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# Conciliation Project

PROVINCIAL COURT  
(FAMILY DIVISION)

June 1, 1978

# PROGRESS REPORT

311 Jarvis Street  
Toronto, Ontario  
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Judicial District  
of York  
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(Family Division)  
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Progress report

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Progress report

Derek Mendes da Costa

Derek Mendes da Costa, Q.C.

This is the Second Progress Report of the Conciliation Project, Provincial Court (Family Division), 311 Jarvis Street, Toronto.\*

It is important to note that a Project such as this involves many committed people working co-operatively; the members of the Board, Project Service and Research Staff, Judges, Lawyers, Intake Staff, Court Attendants and other Court Staff. Representatives of the Welfare Grants Directorate of Health and Welfare Canada and the Ministry of the Attorney General of the Province of Ontario, the two funding bodies, have given generously of their time. The Honourable R. Roy McMurtry, Q.C., the Attorney General for the Province of Ontario, has taken a strong personal interest in the Conciliation Project. Mr. Robert Hart, Regional Consultant of the Welfare Grants Directorate of Health and Welfare Canada has given generously of his time to assist the Board and staff in both policy direction and service orientation. The judges of the Jarvis Street Court have provided warm co-operation and support in the development and operation of the Conciliation Service. His Honour Chief Judge Andrews, Provincial Court (Family Division) has been a moving influence from the outset. Dr. Derek Mendes da Costa, Q.C., Chairman of the Ontario Law Reform Commission and Chairman of the Conciliation Project Board of Directors, has skillfully and sensitively guided the Conciliation Project through this formative period.

In the past year and a half the Conciliation Project staff has worked with about seven hundred client families. Most of these families have come into contact with the Conciliation Project through the Family Court. A few cases have been referred by the Supreme Court and by lawyers - the Conciliation Project has only recently been open to referrals from these sources. Referrals are now also coming from the general public.

From the experience to date the following impressions emerge:

the Conciliation service seems not so much an alternative to the adversary system as a resource to the system - a resource that can minimize conflict among family members

some issues are more conducive to resolution by social workers conciliation counsellors than others - access and custody issues seem to be ones in which the Conciliation Project staff have been most effective in attaining resolution;

\*throughout the report the names Conciliation Project and Conciliation Service are used synonymously and the Provincial Court (Family Division) 311 Jarvis Street, Toronto is referred to as the Family Court.





the appropriateness of a referral in the first place is a major factor in whether or not the Conciliation Service will be able to achieve agreement among family members;

reconciliation is rarely the outcome in cases referred to the Conciliation Service;

from the statistics on the first hundred cases referred to the Conciliation Project from Courts, 63% of cases referred resulted in agreement, and 37% in no agreement - in cases where custody and access were the main issues about 80% resulted in agreement.

It is hoped that the detail presented here will give a relatively complete account of the variety and complexity of the work of the Conciliation Project.

Particular thanks are due to Mrs. Gudrun Hodnett, Ms. Elizabeth McGinty, Mrs. Bernice Scott and Mrs. Geraldine Turner for their care and patience in typing the several drafts in preparation for publication.



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A. SUMMARY



1. PURPOSES OF THE CONCILIATION PROJECT (QUOTED FROM THE RESEARCH DESIGN)

"It is the purpose of the Project to develop and provide an alternative to the present adversary Family Court system which will, first, offer a dispute resolution service to families in a more amicable way, and, second, reduce the Court time taken to deal with non-legal problems".

2. BOARD OF DIRECTORS

- a. the Board is chaired by Dr. Mendes da Costa, Q.C.
- b. it consists of 24 voting members and 4 ex-officio members\*
- c. the meetings are held each month
- d. there are five standing committees\*

3. STAFF

- a. the staff consists of the following:
  - i Director
  - ii Administrative Assistant
  - iii Secretary (3/5 time)
  - iv Conciliation Counsellors (2 full time, 2 half time, and 1 quarter time)
- b. the Conciliation Counsellors are all professional social workers

4. LOCATION

- a. the Conciliation Project is located at the Provincial Court (Family Division), 311 Jarvis Street, Toronto, Ontario, Canada
- b. it occupies six offices and a waiting room on the first floor in the North Wing of the court building
- c. the offices are open five days and one evening each week

5. FUNDING

the Conciliation Project is funded on about an equal basis by the Ministry of the Attorney General for the Province of Ontario and the Welfare Grants Directorate of Health and Welfare Canada

\*see Appendix





## 6. RESEARCH

- a. the research staff consists of:
  - i Director
  - ii Assistant Director
  - iii Field Staff as required
- b. the research consists of:
  - i Research Study One, a study of cases selected at random from the Intake stream of the Family Court\*
  - ii Research Study Two, a study of cases referred to the Conciliation Project from the various Courts, lawyers, community agencies and the general public\*
- c. all clients selected are interviewed three times
  - i before seeing the conciliation counsellor
  - ii about six weeks after termination with the conciliation counsellor
  - iii about one year after termination with the conciliation counsellor

## 7. THE TWO PHASES

- a. PHASE ONE - September 1976 to April 1978
- b. Phase One tasks include:
  - i staffing
  - ii developing
    - 1) administrative structures and procedures
    - 2) board structures and procedures
    - 3) staff training
    - 4) a conciliation process
    - 5) communication with the legal and social work communities
  - iii selecting clients at random from the Intake process of the Family Court to fulfill the requirements of Research Study One
  - iv initiating preliminary referrals from judges, lawyers, social agencies and the general public in preparation to meet the requirements of Research Study Two
  - v establishing preliminary contacts with the media
  - vi drafting preliminary plans for a Conciliation Conference to be held in the Fall of 1978

\*see the Research Section of the Progress Report



- c. PHASE TWO - April 1978-September, 1979
- d. Phase Two tasks include:
  - i maintaining and developing the work initiated in Phase One
  - ii completing the two research studies
  - iii convening a Conciliation Conference
  - iv undertaking any other such tasks that emerge and are feasible within the Conciliation Project mandate and resources

#### 8. CLIENT SELECTION

- a. most of the clients during Phase One were selected at random - clients were also seen on referrals in preparation for Research Study Two
- b. all clients in Phase Two will be selected on the basis of referral from the Provincial Court (Family Division), Supreme Court, County Court, Surrogate Court, lawyers, social agencies and self referral; this process was initiated in Phase One and referral sources were accepted on a graduated basis beginning with the Provincial Court (Family Division) judges; as of February 1st, 1978 referrals were open from all the above sources.
- c. from November 1st, 1976 to June 1, 1978, 703 client families were seen

#### 9. PROVINCIAL COURT (FAMILY DIVISION) 311 JARVIS STREET, TORONTO

- a. there are 8 court rooms and 8 judges
- b. this Court has jurisdiction on domestic issues relevant to the Conciliation Project through the following legislation:
  - i The Family Law Reform Act, 1978\*
  - ii The Criminal Code
  - iii The Provincial Courts Act
- c. there is an Intake department staffed by eight professional social workers (including the two social workers seconded full-time to the Conciliation Project), a reciprocal orders officer, and two secretaries
- d. all people attending Family Court on domestic matters are seen by an intake worker as the first step in the process; approximately 30% of those seen lay charges

\*prior to this new act, jurisdiction was through the Deserted Wives and Childrens Maintenance Act.





B. CLIENT SELECTION - The Referral Process



1. PROVINCIAL COURT (FAMILY DIVISION), 311 JARVIS STREET  
TORONTO

a. DEVELOPMENT OF THE REFERRAL PROCESS

- i attendance in the courts by the Conciliation Project staff
- ii meetings between individual Judges and Conciliation Project staff
- iii meetings between Conciliation Project staff and Court staff
- iv meetings with the Board of judges and Conciliation Project staff to discuss referral procedures and finalize the referral process

b. THE REFERRAL PROCESS

- i clients learn about the Conciliation Service from:
  - 1) brochures available at the Court
  - 2) their agency social worker
  - 3) their lawyer
  - 4) duty counsel
  - 5) the court attendant
  - 6) the intake worker
  - 7) the presiding judge
- ii clients have an opportunity in Court to ask that their case be adjourned to allow them to use the Conciliation Service
- iii the case, at the discretion of the Court, is adjourned for a month or a shorter or longer period depending upon the specific circumstances
- iv the court file is transferred to Conciliation
- v the court attendant accompanies the clients to the Conciliation Service
- vi the administrative assistant interviews the clients and completes the Conciliation Project Intake Form\* and arranges an immediate appointment or an appointment within a week, depending on client's preference and conciliation counsellor availability. When clients are represented by legal counsel, the conciliation counsellor speaks with the lawyers to clarify expectations and to inform them on the progress of the process

\*See Appendix - Form 1.8.1



- vii the conciliation counsellor meets with family members between one and fourteen times; average number of interviews is between 3 and 4 for each family (see the Statistical Analysis section)
- viii on the morning of the court day a Conciliation Report is submitted to the referring judge (see the Conciliation Report section)
- ix the judge reports the disposition to the conciliation counsellor on a form provided by the Conciliation Project

#### c. THE DUTY COUNSEL EXPERIMENT

- i the purpose of the Duty Counsel Experiment was to study the value of duty counsel in resolving domestic issues before the courts
- ii on September 12, 1977 two duty counsel were assigned to the courts of two of the judges of the Family Court
- iii a conciliation counsellor was also assigned to these courts
- iv the work of the conciliation counsellor included the following:
  - 1) meeting with both judges prior to the beginning of the experiment to discuss the potential use of conciliation in this experiment
  - 2) meeting with duty counsel to discuss the nature of the Conciliation Service and the types of cases that might most appropriately be referred
  - 3) in the early stages of the experiment
    - a) being present in Court as part of the orientation process
    - b) being available to parties prior to Court to discuss their cases in relation to the Conciliation Service
  - 4) co-ordinating referrals into the Conciliation Service
- v observations in regard to the Duty Counsel Experiment
  - 1) a significant increase in referrals from both courts
  - 2) duty counsel were effective in a notable number of cases in achieving out of court settlements



vi impressions in regard to the Duty Counsel Experiment

- 1) the reasons for the increase in referrals to the Conciliation Service include:
  - a) visibility of the conciliation counsellor
  - b) co-operation and influence of the duty counsel
  - c) encouragement from the judges

d. GENERAL OBSERVATIONS IN REGARD TO THE REFERRALS FROM THE FAMILY COURT

- i on April 1st, 1977 the Conciliation Project began accepting referrals from judges of the Family Court (between November 1, 1976 and April 1, 1977 clients were only selected at random as previously described)
  - 1) between April 1, 1977 and July 31, 1977 a total of 32 referrals were received from judges
  - 2) from August 1977 through June 1978 there were between 20 and 25 judge referrals per month
  - 3) the Duty Counsel Experiment generated an increased number of referrals
  - 4) judge referrals are grouped unevenly throughout the month
  - 5) there is a difference among judges in number of clients referred
  - 6) see the Statistical Analysis Section for an overview of the first hundred judge referrals requiring Conciliation Reports

e. IMPRESSIONS IN REGARD TO REFERRALS FROM THE FAMILY COURT JUDGES

- i there was a significant time lag (four months) between the opening of referrals to judges and reaching the plateau of 20 to 25 judge referrals each month; there were perhaps several reasons for this:
  - 1) the Conciliation Service was offering service on a random selection basis five months before accepting judge referrals, and judges became used to its being there but not being available to them
  - 2) there is general difficulty in keeping a new service in mind during the initial stages; referrals increased at times when the Conciliation Service began to be more visible - for example:
    - a) immediately after the judges viewed a video tape of Conciliation Counselling interviews
    - b) when a conciliation counsellor was assigned to two courts during the Duty Counsel Experiment





- 3) it would appear from the above that at least during the early stages of the Conciliation Project referrals varied directly with the degree of day to day visibility of the Conciliation Service in the minds of the judges
  - 4) the size of the Family Court at 311 Jarvis Street, eight judges, means that effective communication between judges and conciliation counsellors requires consistent and continuous attention
  - 5) the evolution of the Conciliation Service itself from theoretical perception to functional use within the Court system
- ii the level of 20 to 25 judge referrals per month is below the potential, and present changes planned in judicial assignment, duty counsel availability and conciliation counsellor assignment might increase the number of judge referrals
  - iii when legal counsel is involved and counsel supports conciliation, the conciliation process is enhanced
  - iv for impressions in regard to the first hundred judge referrals requiring Conciliation Reports, see the Statistical Analysis Section.

## 2. THE FAMILY LAW DIVISION OF THE SUPREME COURT

### a. DEVELOPMENT OF THE REFERRAL PROCESS

- i the Executive of the Conciliation Project met with Mr. Justice Morand, Madame Justice Bolland and Madame Commissioner Speigel in September, 1977 to discuss referrals from the Supreme Court to the Conciliation Project
- ii Conciliation Project staff met with Mr. Justice Lief in October, 1977
- iii Conciliation Project staff attended Pre-Trial Conferences, Motions Court, Masters' and Commissioners' Hearings
- iv advice was sought from a representative group of family law lawyers in regard to procedure, timing and type of case most appropriate for referral from the Supreme Court to the Conciliation Service



- v Madame Commissioner Speigel was appointed to the Conciliation Project Board and asked to act as a liaison between the Conciliation Service and the Supreme Court
- vi Madame Commissioner Speigel and Conciliation Project staff designed a referral form and procedures for referral

#### b. THE REFERRAL PROCESS

- i clients learn about the Conciliation Service from:
  - 1) their lawyers
  - 2) the presiding Judge, Master or Commissioner
  - 3) Conciliation Service brochures (available through the Family Law Division Office)\*
- ii clients have an opportunity in or prior to Court to ask that their case be adjourned to allow them to use the Conciliation Service
- iii their case, at the discretion of the Court, is adjourned for a month or a shorter or longer period depending on the specific situation
- iv the referral is initially made to the Conciliation Service by telephone
  - 1) to date most referrals have been made by Madame Commissioner Speigel to Mrs. Helen Goudge, the conciliation counsellor assigned to work with Supreme Court cases
  - 2) it is expected that as the system develops referrals will be channelled through the office of the Family Law Division of the Supreme Court to the Conciliation Service office
- v the conciliation counsellor proceeds to contact the clients and their lawyers to arrange appointments
- vi the written referral is sent in sometime after the telephone referral
- vii the conciliation counsellor maintains contact with the clients' lawyers throughout the process - this includes in person and telephone contacts
- ix a Conciliation Report (see the section on Conciliation Reports) is forwarded to the clients, their lawyers and the court just prior to the court appearance
- x the Judge, Master or Commissioner reports the disposition of the case to the conciliation counsellor on the form provided

\*See Appendix



## c. OBSERVATIONS

on November 1, 1977 the Conciliation Project began accepting referrals from the Supreme Court - between November 1, 1977 and June 1, 1978 thirteen referrals were received from the Supreme Court

## d. IMPRESSIONS

- i the referral potential of the Supreme Court is uncertain
- ii the time lag between the introduction of the Conciliation Service and the reaching of a consistent number of referrals will be at least as long as that for the Family Court and most likely longer
- iii the following are factors which may influence the use of the Conciliation Service by the Supreme Court:
  - 1) the degree of acceptance by individual Judges, Masters and Commissioners
  - 2) the acceptance by lawyers of the Conciliation Service as:
    - a) an effective means of achieving agreement
    - b) a service of the Family Court
 (it is obvious that the support of lawyers is required for the Conciliation Service to be effective)
  - 3) the effectiveness of the Conciliation Service in conciliating the cases which are referred to it
  - 4) the physical distance of the Conciliation Service offices from the Supreme Court
  - 5) the length of time that individual family disputes have persisted
  - 6) the complexity of the Supreme Court system and the consequent difficulty in developing lines of communication with the variety of potential referral points within the system
  - 7) the availability of private conciliation services on a fee for service basis





### 3. THE COUNTY COURT

#### a. DEVELOPMENT OF THE REFERRAL PROCESS

- i the Executive of the Conciliation Project met with His Honour Judge Wren and a number of other members of the County Court in December, 1977 to discuss referrals from the County Court to the Conciliation Service

#### b. OBSERVATIONS IN REGARD TO REFERRALS FROM THE COUNTY COURT

no referrals have as yet been received from the County Court

#### c. IMPRESSIONS IN REGARD TO REFERRALS FROM THE COUNTY COURT

- i most of the impressions stated above in relation to the Supreme Court are appropriate to the County Court
- ii it does not appear that there will be a significant number of referrals from the County Court

### 4. LAWYERS

#### a. DEVELOPMENT OF THE REFERRAL PROCESS

- i the Conciliation Project made presentations at the following events:
  - 1) the October 1976 meeting of the Family Law Section of the Canadian Bar Association (Ontario)
  - 2) the July 1977 Continuing Education Program of the Law Society of Upper Canada
  - 3) a workshop on New Developments in Family Law sponsored by the Connaught Programme on Family Law and Social Welfare of the Faculty of Law, University of Toronto and the Family Law Section of the Canadian Bar Association (Ontario)
- ii individual lawyers are contacted in conciliating specific cases
- iii Conciliation Project staff have met with lawyers on a general basis to discuss conciliation and seek advice on matters related to the development of the Conciliation Service
- iv a representative group of lawyers was consulted in regard to referrals from the Supreme Court



## b. THE REFERRAL PROCESS

- i initial telephone contact is made with the Conciliation Service to discuss the appropriateness of a referral
- ii the referral can be made by telephone
- iii the conciliation counsellor contacts the clients by telephone
  - 1) it is understood that both clients must agree to use the Conciliation Service
  - 2) the written referral may be submitted shortly after the telephone referral
- iv the nature of the involvement of lawyers varies from case to case; at a minimum lawyers are kept up to date on the progress of conciliation
- v a written Conciliation Report is prepared at the end of contact with the family - interim Conciliation Reports may be made at various points throughout conciliation - this varies depending on the case
- vi the Conciliation Report is given to the clients and their lawyers and, at the request of the clients, to the Court or any other resource deemed appropriate by the clients

## c. OBSERVATIONS IN REGARD TO REFERRALS FROM LAWYERS

- i there has been case contact with lawyers from November 1, 1976
- ii on February 1, 1978 the Conciliation Project began accepting referrals directly from lawyers
- iii to date twelve referrals have been received directly from lawyers
- iv many lawyers strive for and achieve out-of-court settlements in family disputes
  - 1) it is believed that the incidence of this is increasing
  - 2) a very small percentage of family disputes are brought to trial
- v some lawyers are using social workers, psychologists or psychiatrists to assist them in helping families arrive at out-of-court settlements



- vi the following are representative quotes from lawyers replying to a request from the Conciliation Project for their opinions in regard to the Conciliation Service, the types of issues most appropriate for conciliation, and the procedures for referral and the nature of lawyer involvement

1) Timing

"It seems to me that the use of this service is going to be basically at the initial stages, particularly at the interim alimony, interim access, and test proceedings in the alimony and divorce actions and in the interim proceedings under the 'Infants Act'".

2) Types of Issues

"I can perfectly well envisage a social worker bringing about the conciliation of a custody or access or chattel dispute and assisting in areas such as child maintenance but wonder how effective a social worker can be in bringing about an agreement on a major property or maintenance issue when each side is legally represented and firm in his/her views".

3) Procedures and Lawyer Involvement

"The procedures should be a referral letter by lawyers (if any) outlining the terms (reference to privileged information shared in conciliation). If the lawyers are going to be involved then it should be solely in regard to the question of the rights of the parties, and they should not have any material input into the conduct of the conciliation unless there are serious allegations about the fitness of one of the parties or both, insofar as they relate to what is in the best interest of the children. In this regard, it might be useful for your service to have copies of the pleadings, affidavits (if any). This will give you an opportunity to view the issues as the parties see them".

- vii there is disagreement among lawyers in regard to the efficacy of the extra-legal conciliation - the following is a quote from a lawyer who is against it:

"I do not wish to co-operate with any Conciliation Project. I consider it to be nothing more than an attempt to subvert the rights of a subject to litigate the matter in the Queen's Courts".



d. IMPRESSIONS IN REGARD TO REFERRALS FROM LAWYERS

- i the degree of co-operation and support of lawyers is significant regardless of the source of referral
- ii there is at present uncertainty in regard to the most effective ways for lawyers and conciliation counsellors to co-operate to best serve client families
- iii on a case to case basis there needs to be a clear understanding among all parties as to the different responsibilities between the lawyer and the conciliation counsellor
- iv there seems to be differences of opinion in regard to the type of Conciliation Service that is most appropriate in facilitating agreement - these differences centre to an impressive extent on the issue of Open versus Closed Mediation (see the Appendix for a brief outline of this issue)
- v the use of the Conciliation Service by lawyers will vary to the extent that the milieu in which the Conciliation Service is offered is in line with the self-image and economic resources of their clients
- vi the use of the Conciliation Service by lawyers will increase as lawyers, from experience, gain confidence in this Conciliation Service

5. THE ONTARIO LEGAL AID PLAN

a. DEVELOPMENT OF THE REFERRAL PROCESS

- i Conciliation Project staff met with Mr. W. Reid Donkin, Q.C., Area Director and Mr. F. D. Turville, Q.C., Senior Counsel in November 1977 to discuss co-operation between the Conciliation Project and the Ontario Legal Aid Plan
- ii Conciliation Project staff met with Mr. Turville and attended his conferences with lawyers
  - 1) these conferences are with lawyers in cases where all parties have Legal Aid Plan certificates
  - 2) the purpose of the conferences is to arrive at out-of-court settlements





## b. THE REFERRAL PROCESS

- i Mr. Turville sends a letter to all lawyers in cases where all parties have Legal Aid certificates
  - 1) in this letter he offers his personal mediation service
  - 2) this letter now includes a paragraph stating that the Conciliation Service is also available
- ii the lawyer is requested to contact the Conciliation Service directly
- iii once the lawyer contacts the Conciliation Service the process is the same as described in the section on referrals from lawyers

## c. OBSERVATIONS

- i information about the Conciliation Service was included in Legal Aid Plan letters beginning January 1978
- ii several inquiries and referrals have been received as a result of publicity through the Legal Aid Plan

## d. IMPRESSIONS

whether or not a significant number of referrals result, the inclusion of the Conciliation Service in Legal Aid Plan letters is important in the over-all presentation of the Conciliation Service to the legal community

6. THE INTAKE SERVICES DEPARTMENT OF THE FAMILY COURT

## a. DEVELOPMENT OF THE REFERRAL PROCESS

- i from the outset of the Conciliation Project there has been a close relationship between the Intake and the Conciliation Services staffs
- ii at the conclusion of the service interview stage of Research Study One, the Intake and Conciliation Services staffs met to discuss a method for making referrals from the Intake Service to the Conciliation Service
- iii initially, Intake Service counsellors and conciliation counsellors discussed the appropriateness of specific referrals



b. THE REFERRAL PROCESS

- i referrals are made on the basis of the following criteria:
  - 1) there is an issue or issues in dispute which potentially could be brought to Court
  - 2) both parties are in agreement to using the Conciliation Service
- ii once the referral is made the process followed is similar to that of any other referral; the Conciliation Report is given to the clients, their lawyers (if they have lawyers) and/or any other resource to which all parties want it sent

c. OBSERVATIONS

- i on October 1, 1977 the Conciliation Project began accepting referrals from the Intake Services Department
- ii to June 1, 1978 seventeen referrals have been received from this source
- iii most referrals are in regard to disputes about access

d. IMPRESSIONS

- i from previous experience of selecting clients at random as they come to the Family Court, a requirement of Research Study One, there seems to be a relatively small number of clients who are ready to take advantage of the Conciliation Service at this stage
- ii there are differences from case to case in terms of when family members are ready to conciliate

7. COMMUNITY SOCIAL AGENCIES

a. DEVELOPMENT OF THE REFERRAL PROCESS

- i from the outset of the Conciliation Project contacts were made with community social agencies in the following ways:
  - 1) a fact sheet outlining the Conciliation Project was sent to community social agencies



- 2) Conciliation Project staff and Board members visited several community social agencies to discuss the Conciliation Service
- 3) evening seminars, "the Counsellor as Expert Witness", and "The Mediator's Report - Its Purpose, its Content" have been organized by the Conciliation Project for the staff of community social agencies
- 4) there have been many contacts with community social agency counsellors to discuss specific cases
- 5) several referrals have been made from the Conciliation Project to community social agencies

- ii a Conciliation Service brochure has been prepared for distribution to and use by community social agencies in referring their clients to the Conciliation Project

#### b. THE REFERRAL PROCESS

- i referrals are to be made on the basis of the following criteria:

- 1) there is an issue or issues in dispute which potentially could be brought to Court
- 2) both parties are in agreement to using the Conciliation Service

- ii referrals at present can be made by telephone

- iii once a referral is made the process is similar to that of any other referral - the Conciliation Report is to be given to the clients at the conclusion of the conciliation

- 1) interim Conciliation Reports may be written at various points throughout the conciliation
- 2) at the clients' request copies of the Conciliation Report may be sent to a community social agency counsellor or any other resource; both clients must agree before the Conciliation Report is released





c. OBSERVATIONS

- i the Conciliation Project is now able to receive referrals from community social agencies
- ii the Conciliation Service brochures were sent to community social agencies in March 1978
- iii to June 1, 1978 two referrals have been received from this source

d. IMPRESSIONS

- i it appears that community social agencies, especially family service agencies, include a form of conciliation in the services that they are presently offering their clients
- ii the clients' use of a community social agency conciliation resource or a court conciliation service might depend upon:
  - 1) the policies of individual community social agencies
  - 2) the choice of social service resources by particular client groups
  - 3) the availability of community social agencies - this might be more the case in non-urban centres
  - 4) the length of time that the family dispute has persisted
  - 5) the nature and degree of the conflict - the Court involvement with the total family dispute might be precipitated by an assault or threatening action
  - 6) the availability of a Court conciliation service
  - 7) a Court's use of available community social agency resources for conciliation purposes



- iii the difference between a Court conciliation service and a community social agency conciliation service seems to be in regard to the impact of the authority of the Court
  - 1) even though the use of the Court Conciliation Service is voluntary, the client's perception of the Court Conciliation Service (especially those clients newly immigrated to Canada) seems to give it a more authoritarian quality than community social service agencies
  - 2) it is possible that for some client groups this authoritarian image could be the significant factor, all else being equal, in the resolution of the family dispute
- iv it is not expected that there will be a significant number of referrals from community social agencies for the following reasons:
  - 1) it appears that community social agencies already offer a form of conciliation service to their clients
  - 2) the understanding of the differences between Court Conciliation Services and community social agency conciliation services in terms of authority is not sufficiently developed to be a significant factor in the referral process; in any case, the client's perception of the authority of the Court Conciliation Service is most likely strongest where, on the consent of the clients, the case is adjourned to give an opportunity for the clients to use Conciliation Service. There was a noticeable difference in client response between these cases and those selected at random - in only one-third of the randomly selected cases was it possible to involve the second spouse; whereas, in almost 100% of the cases referred from Court both clients were involved



C. THE CONCILIATION COUNSELLING PROCESS



## 1. THE DEVELOPMENT OF THE PROCESS

### a. TRAINING EVENTS

- i Initial Training Program and orientation which took place during the month of October 1976
  - 1) October 5 - introduction of staff to the Board
  - 2) October 7 - overview of Family Law by Professor D. Mendes da Costa, Q.C.
  - 3) October 8 - introduction to the Family Court and the Intake Services Department by Mr. Earl Zapf and Mrs. Joan Kelly
  - 4) October 12 - the Deserted Wives and Children's Maintenance Act - His Honour Chief Judge H.T.G. Andrews, Mr. Roman Komar and Ms Dee Prosser
  - 5) October 14 - Seminar on Conciliation Counselling - Dr. Howard Irving
  - 6) October 15 - observation in the courts - Mrs. Joan Kelly
  - 7) October 19 - Dynamics of Family Breakdown - Dr. Clive Chamberlain
  - 8) October 21 - Seminar on Conciliation Counselling - Mrs. Ruth Parry
  - 9) October 22 - observation in the courts - Mrs. Joan Kelly
  - 10) October 26 - Deserted Wives and Children's Maintenance Act - Mr. Roman Komar and Ms. Dee Prosser
  - 11) October 28 - Conciliation Counselling Seminar - Dr. Howard Irving
  - 12) October 29 - Intake Services and Intake Interviewing - Mrs. Joan Kelly





ii Case Consultation with:

- 1) Mrs. Ruth Parry, Director of the Family Court Clinic of the Clarke Institute of Psychiatry - case consultations prepared by Conciliation Project staff and presented to Mrs. R. Parry on approximate twice per month basis
- 2) Mrs. Joan Kelly, Supervisor of the Intake Services Department, Provincial Court (Family Division), 311 Jarvis Street, Toronto - day-to-day individual consultation with Conciliation Project staff on Court procedures and legislation
- 3) Conciliation Project staff - individual and group consultation at staff meetings and other appropriate opportunities

iii Specialized Training Events

- 1) Mr. Peter Boltbee and Mr. J. H. Nixon of Smith, Nixon & Co. - "The personal income tax implications of separation"
- 2) His Honour Judge N. Weisman - "Support Agreements and Budget Analysis"
- 3) His Honour Judge J. Allen - "The Ontario Legal Aid Plan"
- 4) Mr. Robert Klassen, Barrister and Solicitor - "The Relationship between the Lawyer and the Conciliation Counsellor"
- 5) Mr. James MacDonald, Q.C., MacDonald and Ferrier - "Separation Agreements"
- 6) April 22, 1977, "Children's Rights" - Miss Barbara Chisholm of the Canadian Council on Children and Youth
- 7) April 29, 1977, "Working with the Alcoholic Client" - Mr. Kipp Campbell of the Alcoholism and Drug Addiction Research Foundation
- 8) May 5, 1977, "The Impact of Separation on Children" - Dr. Edward Hanna, Faculty of Social Work, Sir Wilfrid Laurier University
- 9) May 6, 1977, "Working with Families with Separating Parents" - Dr. Erv Zentner, Faculty of Social Work, Sir Wilfrid Laurier University
- 10) June 10, 1977, "New Family Law Legislation" - Ms. Dee Prosser and Mr. Roman Komar of the Chief Judge's Office, Provincial Court (Family Division)
- 11) September 16, 1977, "Involvement of Children in the Decisions Related to the Separation Process" - Miss Barbara Chisholm



- 12) October 28, 29 & 30, 1977 - Kingston Conference on Conciliation Services in the Province of Ontario
- 13) November 19, 1977 - Custody and Mediation Workshop - Law Society of Upper Canada
- 14) November 20, 1977 - "Mediation - an Alternative to the Adversary Process" - Dr. Coogler, Founder, Mediation Centre of Atlanta, Georgia
- 15) February 27 & 28, March 1st and 2nd, 1978 "The New Family Law Legislation" - Workshop presented through the Office of the Chief Judge of the Provincial Court (Family Division)
- 16) April 5, 1978, "Working with Clients from the West Indies" - Family Service Association of Metropolitan Toronto
- 17) May 4, 1978 - Consultation with the Separation Project Staff of the Family Service Association of Metropolitan Toronto

## 2. THE CONCILIATION COUNSELLING PROCESS

### a. INTERVIEWS

#### i Types - any combination of the following:

- 1) wife alone
- 2) husband alone
- 3) wife and husband together
- 4) one child alone
- 5) children together
- 6) wife and child(ren)
- 7) husband and child(ren)
- 8) wife, husband and child(ren)
- 9) wife and common law spouse
- 10) husband and common law spouse
- 11) wife and common law spouse and child(ren)
- 12) husband, common law spouse and child(ren)
- 13) extended family
- 14) significant others

#### ii Length less than an hour, to several hours, per interview session

- 1) several different types of interviews can take place within a single interview session
- 2) Interviews with one person are usually about an hour
- 3) Interviews with more than one person are usually between one and one-half and two hours

#### iii Timing

- 1) clients are seen right after their appearance in Court or shortly thereafter (one week to ten days)



- 2) interviews take place during the day or in the evening depending on client preference

iv Location

- 1) most interviews take place within the Family Court building at 311 Jarvis Street
- 2) some interviews with young children are held in the play room of the Family Court
- 3) in some cases interviews are held in the client's home

v Content

- 1) upon first meeting the clients the conciliation counsellor
  - a) explores in a general way the client's understanding and expectations of the Conciliation Service; this is to determine if that which the client wants is in line with what the Conciliation Service can provide
  - b) describes the Conciliation Service and the procedure
  - c) describes the confidential nature of the Conciliation Service and asks the clients to sign the Form of Acknowledgement

FORM OF ACKNOWLEDGEMENT

1. the husband and the wife acknowledge that there is an existing matrimonial dispute between them and agree that they are using the Conciliation Services of the Family Court voluntarily with the intention of making every reasonable effort to resolve the issues in dispute.
2. the husband and wife agree that any communication whether written or verbal hereafter made relating to such conciliation services by either them to each other or to the Conciliation Counsellor, shall be "Without Prejudice" and shall not, without the consent of both parties, be used in any existing or subsequent proceedings between the parties

Dated at Toronto this \_\_\_\_\_ day  
of \_\_\_\_\_, A.D., 197\_\_\_\_\_

\_\_\_\_\_  
witness

\_\_\_\_\_  
husband

\_\_\_\_\_  
witness

\_\_\_\_\_  
wife





- d) the Conciliation Counsellor then begins to explore and clarify the nature and history of the problems that the clients have brought to the Family Court
  - i often personal histories of the clients as well as history of their marriage and their parenting are taken
  - ii such histories may help the clients see their problems in a new perspective and clarify what goals and priorities are important to them in the present
  - iii these histories may aid the client and their counsellor in seeing what resources and skills the family members have been able to mobilize in the past
  - iv the histories may provide clues as to what sorts of solutions might be feasible under the present circumstances
- e) the depth and complexities of the feelings that the clients have about their problems is explored
- f) much support is given to the clients to help them accept and resolve feelings such as anger, hurt and guilt which are negatively affecting the resolution of their problems
- g) in regard to the "bargaining" aspects of the conciliation process the following is undertaken:
  - i) in individual interviews with each client separately
    - (1) the position of each client is clarified
    - (2) an understanding of the degree of flexibility and bounds of each client's position is developed
    - (3) the degree of motivation of each client to come to an agreement is evaluated
  - ii) in interviews with the clients together the conciliation counsellor shares impressions in regard to:
    - (1) the apparent position of each client
    - (2) the perceived nature of the dispute
    - (3) the realities of what might be involved in resolving the dispute
  - iii) as a result of the above
    - (1) some of the issues may be eliminated through the clarification process - modifying of perceptual differences between clients
    - (2) an understanding may be arrived at among the clients and the conciliation counsellor on:





- (a) the real issues in dispute
  - (b) the process and estimation of time and work required in attempting to resolve the dispute
- 2) generally the work of the Conciliation Counsellor in assisting clients to resolve their disputes includes:
  - a) exploring clients' plans and suggesting alternatives when appropriate
  - b) supporting clients with their hard decision making work
  - c) listening and clarifying
  - d) identifying and resolving, for the purposes of this particular crisis in the separation process, the feelings negatively affecting the resolution of the family dispute; for example:
    - i) anger
    - ii) guilt
    - iii) sadness
  - e) keeping clients focussed
  - f) helping clients see their situation in a new way
  - g) assisting parents in seeing and responding to the needs of their children as different from their own needs
  - h) helping children express their feelings in regard to the separation and assisting them as much as is possible and appropriate in understanding their parents' separation
  - i) mobilizing community resources to assist in such matters as:
    - i) provision of concrete needs such as day care
    - ii) career planning for one or both of the clients
    - iii) personal and/or marital counselling
    - iv) family assessment
  - j) assisting lawyers (when legal counsel is involved) in the development of an agreement in regard to the issues before the Court
- 3) during the conciliation counselling interviewing process, usually in the middle stages, children, members of the extended family, common law spouses, and other significant persons may become involved



- 4) at the end of the process
  - a) there is a summary of what has happened
  - b) there is an evaluation of whether or not the goals established at the beginning have been met and if not, why not
  - c) where agreement has been reached this is reviewed to ensure that all parties have the same understanding of it
  - d) a Conciliation Report is prepared

b. THE CONCILIATION REPORT

- i at the outset of the conciliation counselling process clients are made aware that a Conciliation Report will be made at the end of the process
- ii the content of the Conciliation Report includes only areas of agreement and/or disagreement
  - 1) other information shared by clients during the process is not included
  - 2) a Conciliation Report does not include conciliation counsellor assessment material
  - 3) as well as areas of agreement and/or non-agreement a Conciliation Report does contain the following factual data
    - a) who was seen and how often
    - b) possible further contact with the conciliation counsellor
- iii a Conciliation Report, the contents of which must be approved by the clients, is prepared and signed by the Conciliation counsellor
- iv copies of a Conciliation Report are given to:
  - 1) the clients
  - 2) their lawyers
  - 3) the Court (in cases of Court referral)
  - 4) at the request of both clients, any other resource

v the following are examples of a Conciliation Report:

THE R CASE

Interviews:

- two with Mr. and Mrs. R. together;
- one with Mr. R. alone;



one with Mrs. R. and her legal counsel; and

one with Mr. R., his legal counsel, Mrs. R., and her legal counsel

Agreement:

Mr. R. agrees to pay \$20.00 per week payable every two weeks commencing June 20, 1977:

Mr. R. Agrees to assume responsibility for their son A's orthopaedic shoes as medically required, on the condition Mrs. R. assumes responsibility for her son making full use of these shoes;

Mr. R. agrees to assume responsibility for a previous telephone bill of \$55.00 by September 1977

Mrs. R. Agrees to pay her husband one half of the rental deposit on their apartment ----- when she vacates the premises

Mr. and Mrs. R. agree that Mr. R. will visit A. every second Saturday from approximately 1 p.m. to 8 p.m. They will both assume responsibility for notifying and discussing with one another by the previous Friday should changes be necessary in this schedule

THE L CASE

Mr. and Mrs. L. have been seen on several occasions since January when they were considering another marital separation. On March 31, they were seen with Mrs. L.'s lawyer and Duty Counsel.

Mr. and Mrs. L. agree to live separate and apart.

Mr. and Mrs. L. agree that Mrs. L. should have custody of B. (d.o.b. 7.3.76)

Mr. and Mrs. L. agree that Mr. L. will have access to B. at such reasonable times are convenient to the two of them; Mr. L. to phone in advance to made arrangements. In addition, Mr. and Mrs. L. agree that Mr. L. will take B. for two Saturdays each month to allow Mrs. L. to go out shopping etc.

Mr. L. agrees to pay Mrs. L. \$30.00 per week, and to continue family coverage under OHIP at his current place of employment

3. OBSERVATIONS AND IMPRESSIONS

a. DEVELOPMENT OF THE PROCESS

i the degree of legal knowledge required of a conciliation counsellor is not as great as initially anticipated

- 1) conciliation counsellors require a basic understanding of the legislation, the main issues inherent in it, and the Court procedures required to carry it out





- a) counsellors are not lawyers and do not give legal advice
    - b) clients are referred to their own lawyers or to the Ontario Legal Aid Plan for answers about legal questions
    - c) the supervisor of the Intake Service Department of the Family Court, Mrs. Joan Kelly, and Justice of the Peace, Mr. William Glass have been used in consultation on a case to case basis about Court procedures and the need to refer to a lawyer - as Conciliation Counsellors gained more experience the above form of consultation has decreased
  - 2) a training program presented by the Office of the Chief Judge of the Provincial Court (Family Division) provided the Conciliation Counsellors with basic information in regard to the new Family Law legislation
- ii there was some interest at the beginning of the Conciliation Project in using negotiators and arbitrators from other fields as training resources for Conciliation Counselling - this has as yet not materialized
- 1) the main focus of training has been on family dynamics and communication issues
  - 2) bargaining techniques as a specialized aspect of the Conciliation Process is yet to be investigated by the Conciliation Project staff
  - 3) it appears at this stage that a significant difference between Conciliation Counselling and other forms of counselling, might be in the degree to which bargaining techniques are used - an issue inherent in this is the tension between bargaining compromise and counselling assessment of individual family members needs
- iii the October 9176 Training Program
- 1) this program focussed on three major areas in which conciliation counsellors would require varying degrees of knowledge
    - a) Conciliation Counselling
    - b) Legislation
    - c) Court Procedures
  - 2) the resource persons involved in the program are recognized experts in their area of presentation
  - 3) the program highlighted some major issues in each area of knowledge required in the total service provided by the Conciliation Project
  - 4) in retrospect the program may have been more effective if:





- a) the conciliation counsellors were seeing clients during this same period - this would have made the material more relevant to the conciliation counsellors
  - i) difficulties in providing service at this early stage could have been managed through individual consultation
  - ii) the October program, to accommodate staff seeing clients on a concurrent basis, could have been presented over two or three months
- b) the four-hour training sessions in one subject area had been divided into two two-hour sessions on two different subject areas - this would have been particularly helpful in working with knowledge areas unfamiliar to the conciliation counsellor

#### iv Case Consultation

- 1) the availability of case consultations on a day to day basis from Mrs. Joan Kelly, was very important in guaranteeing as much as possible a consistent high level of service to clients in regard to the Intake Services of the Family Court - as the conciliation counsellors became more familiar with the procedures and as the Conciliation Project ceased selecting clients from the Intake stream of the Family Court the necessity for the type of consultation has decreased
- 2) the case consultation on a bi-monthly basis from Mrs. Ruth Parry focussed on specific active cases in terms of family and personality dynamics
  - a) this continues to be a significant form of training
  - b) the main difficulties apparent in this consultation process are:
    - i) there is an unevenness in the amount of case material available because of variations in total case load
    - ii) the need for consultation, given the short term client contact, frequently occurs when there is not time to present at scheduled case conferences
  - c) at present consultation time with Mrs. R. Parry is being used to increase the competence of conciliation counsellors in assessments related to children's needs
- 3) mutual case consultation among conciliation counsellors has taken place from the beginning of the Conciliation Project - as the Conciliation Project has evolved, this form of case consultation has become increasingly effective
  - a) with increased experience conciliation counsellor skills have improved
  - b) this form of case consultation is available at the time it is needed



#### v Specialized Training Resources

- 1) specialized training resources have been used to expand the conciliation counsellors' knowledge base in the three major content areas
  - a) Conciliation Counselling
  - b) Legislation
  - c) Court Procedures
- 2) the main emphasis has been on conciliation counselling
- 3) specialized training resources are presented in three main formats
  - a) in Conciliation Project staff meetings - this is the most common format
  - b) programs organized by the Conciliation Project with invitations to other groups and individuals
  - c) programs presented by other organizations attended by conciliation counsellors as members of a broader community of interest
- 4) there has been an extensive use of specialized resources and from this experience come the following observations:
  - a) it is frequently necessary to adapt the information presented to fit the context of conciliation counselling
  - b) this adaptation process is an integral part of the work of the conciliation counsellor in more clearly defining and developing the conciliation concept

#### vi Audio-Video Resources

- 1) recently the Board of Directors of the Conciliation Project has given approval for the use of audio tapes for training purposes only
  - a) it is expected that audio tapes will be valuable for the following reasons:
    - i) developing a more effective training process for staff and students
    - ii) defining more specifically the nature of the conciliation counselling process
  - b) the Consent Form and the method for maintaining audio tapes is included in the Appendix
- 2) the use of video tape is yet to be explored but it might be a possibility before the end of the Conciliation Project

#### vii Training Facilities

- 1) most of the training programs have taken place within the Family Court
- 2) the resources of the Family Court Clinic of the Clarke Institute of Psychiatry may be made available to the Conciliation Project on a limited basis for training purposes - this is especially important in terms of the use of direct observation through one-way glass and the video tape capabilities



## b. THE CONCILIATION COUNSELLING PROCESS

- i there appears to be distortions in communicating among family members as a result of the following:
  - 1) different perceptions about the separation event and the causes of it
  - 2) little reasoned discussion among family members about their differences
  - 3) reactive feelings of individual family members
- ii the following are general observations about the conciliation counselling interview dynamic:
  - 1) during the Conciliation Process family members may be seen in different combinations
    - a) often clients seem to be more comfortable about sharing their feelings about their former spouse and their children when seen separately
    - b) distortions in how the parties perceive their present situation can often be cleared up when the parties are seen together
  - 2) children may by consent be seen separately and with family members - often the counsellor's impressions from these meetings can be used by the parents to gain a more realistic understanding of their children's needs particularly with regard to residential and visiting arrangements
  - 3) on occasions, custody and access issues are used unwittingly by the parents:
    - i) for gaining revenge
    - ii) to induce spouse to come back
    - iii) to gain much needed self esteem
  - 4) the children's involvement with the process may refocus the parents on their children's needs as direct from their own needs
  - 5) seeing the children often gives the children an opportunity to voice their questions and concerns about the family situation - the conciliation counsellor can then help the family deal with these concerns
- iii in the conciliation counselling interviews three major content areas emerge:
  - 1) Emotions
    - a) love
    - b) anger
    - c) ambivalence
    - d) denial
    - e) despair
    - f) pain
    - g) guilt
    - h) relief





## 2) Individual Realities

- a) relationship with children
- b) relationship with spouse
- c) new relationships
- d) personal needs and goals
- e) finances

## 3) Family Realities

- a) place of the children and their thinking about the separation
- b) changes in the family unit
- c) marital relationship
- d) finance

iv the number of interviews with each family have varied from one to fourteen - this seems to depend upon:

- 1) the length of time that the conflict has persisted
- 2) the length and experience of the marriage
- 3) the stage in the Court proceedings
- 4) if there are lawyers, the degree of support by the legal counsel for the Conciliation Service
- 5) the number of issues in dispute
- 6) the degree of ambivalence in regard to the separation
- 7) the feeling reaction of each family member about the separation
- 8) the personality of individual family members
- 9) the impact of the separation on the children
- 10) the degree of extended family involvement

v community social agencies are often used both as sources of information when the clients consent to this and as referral points

- 1) Psychiatric services, welfare services, Canada Manpower, children's and family agencies have all been helpful
- 2) These resources have been used both in working towards a resolution of the problems that the family brought to the Family Court and in working with other issues that have emerged in the conciliation counsellor's contact with the family

vi a conciliation counsellor may initiate contact with a Children's Aid Society, with or without the parents' consent, when there is concern about the welfare of the child

vii lawyers are very often extremely helpful in working towards a resolution of the problems





- 1) generally, when lawyers are involved there are frequent exchanges of information whenever the conciliation counsellor or lawyer feels it is necessary
- 2) clients and conciliation counsellors see the lawyers as a special protection of the client's own separate interests
- 3) the interchange between lawyers and conciliation counsellors appears to broaden the capabilities of both in serving their clients

viii the Conciliation Service has access to the Interpreter Service of the Family Court

- 1) the interaction of the interpreter in the conciliation counselling interview varies depending on the individual conciliation counsellor and the interpreter
- 2) generally there is an attempt to involve the interpreter as much as possible in the total process through sharing interviewing tasks
- 3) in some cases there is significant telephone contact between the client and the interpreter - if there is not good communication between the conciliation counsellor and interpreter this can generate difficulties
- 4) in a number of cases the same interpreter has worked with a family from Intake through the total Court process and has a more complete picture of the family situation than anyone else in the Court system
- 5) the interpreter is also a valuable resource in assisting the conciliation counsellor in understanding and appropriately taking into account ethnic and cultural dynamics

ix there has been much discussion among conciliation counsellors and resource persons in regard to the impact of ethnic and cultural dynamics on the conciliation counselling process

- 1) there remains a significant amount of uncertainty in regard to the differences between cross-cultural personality traits and those characteristics identified with a particular culture
- 2) there are concerns about the degree to which identification of 'cultural characteristics' de-emphasizes significant differences among people of the same culture
- 3) it is more difficult, at times seemingly impossible, to handle distortions in perspective among family members when the direct verbal and non-verbal messages are not understood by the conciliation counsellor - this is particularly significant since it appears that communication break down is a major obstacle in achieving agreement among family members



D. STATISTICAL ANALYSIS



1. The Conciliation Project staff began seeing clients on November 1, 1976
  - a. from November 1st, 1976 to April 1st, 1977 clients were selected totally at random from the Intake stream of the Family Court
  - b. on April 1st, 1977 the Conciliation Project began receiving referrals from the judges of the Family Court
    - i from April 1st 1977 to October 15th 1977 clients were selected both at random and on referral from the judges of the Family Court
    - ii as of October 15th, 1977 the Conciliation Project ceased selected clients at random and accepted clients only on referral. We have received referrals from the following sources: Family Court Judges, Family Court Intake Service, Lawyers, Judges, Masters and Commissioners of the Supreme Court and the general public
  - c. Since November 1st, 1976 703 families have been seen - the following is an outline of the course of selection and numbers selected from each source
    - 1) random selection - 427 (about 100 of which was the Conciliation Service sample of Research Study One)
    - 2) Judge referrals
      - a) Family Court - 234
      - b) Supreme Court - 13
    - 3) Intake Service - 17
    - 4) Lawyers - 12
2. The following is a statistical analysis of the first hundred judge referrals:
  - a) the statistical information was obtained from the following sources:
    - i Court files - disposition records
    - ii Conciliation files - judge referral forms  
- face sheet data
    - iii Conciliation Reports file
    - iv interviews with conciliation counsellors
  - b) the data was collected by conciliation counsellors and compiled and interpreted by the Director of the Conciliation Project - this process is not the product of the formal Research component of the Conciliation Project
  - c) the intent of this section is to present:
    - i a general picture of the families interviewed by conciliation counsellors
    - ii the issues for which families are referred to the Conciliation Project





- iii the mix of interviews employed in working with families
  - iv data in regard to differences among judges referring to the Conciliation Project
  - v data in regard to differences among conciliation counsellors working in the Conciliation Project
  - vi the outcome of the contact with the Conciliation Project
- d. the outcome is focussed on the issues directly related to the formal court process
  - i obviously in working with families many significant personal and inter-personal issues are dealt with
  - ii it is not possible to objectively record these issues in this type of statistical analysis - it is understood that the formal Research component of the Conciliation Project will analyze the full breadth of family and personal concerns which emerge during the conciliation process
- e. the observations made in regard to the statistical tables in this section are intended to outline areas for further statistical study in the development of an economical and effective conciliation service
  - i the intent is to see whether or not it will be possible to use statistical measures to define the types of families, issues and interview systems most appropriate to conciliation forms of dispute resolution
  - ii these initial explorations are not designed to present answers but rather to more clearly define questions about the Conciliation service and the people it might best serve
  - iii it is important to note that the information used here is that recorded by judges and conciliation counsellors at the time of contact with the Court and at the point in the process at which Conciliation Reports are written - the longer term impact of the Conciliation Service is to be evaluated through the formal Research Design of the Conciliation Project
  - iv none of the cases reviewed here are included in the samples of ~~the~~ Formal Research
  - v throughout the Conciliation Project a variety of feedback systems have been used to initiate appropriate changes in service delivery, recording and administrative procedures - the following statistical analysis is an extension of this critical approach to systems changes within a relatively short time frame.





f. TABLESTABLE 1

## OUTCOME

No Agreement	36)	37-No Agreement
Adjourned	1)	
<hr/>		
Withdrawn	11)	63=Agreement
Access & Support	18)	
Support	11)	
Access	20)	
Reconciliation	3)	
	<u>100</u>	<u>100</u>

\*

i the Conciliation Reports recorded seven outcome categories

- 1) No Agreement
- 2) Adjournment
- 3) Withdrawn
- 4) Agreement on Access and Support
- 5) Agreement on Access
- 6) Agreement on Support
- 7) Reconciliation

\* ii for purposes of this analysis, outcomes 1) and 2) were grouped to form the No Agreement category and outcomes 3) through 7) were grouped to form the Agreement category

iii in the above division of the one hundred cases there are 37 cases in the No Agreement category and 63 in the Agreement category

1) of the 63 cases in the Agreement category

a) 7 of them are partial agreements; that is, a case may have been referred for the resolution of two issues, e.g. Access and Support, and agreement was only reached on one of the issues

b) in 6 of them agreement was reached on more issues than indicated in the referral from the judge: for example a case may have been referred for Support and agreement was reached on Access and Support.



- c) in 6 cases agreement was arrived at on an issue different from the issue for which the referral was made; for example, a case may have been referred for Reconciliation and agreement was reached on Access and/or Support or a case referred in regard to Assault and a resolution reached on Access
  - d) there were 4 cases in which the judge gave no reason for the referral - in these cases the agreements arrived at were considered to be resolutions of all the issues for which the case might have been referred
- iv the outcome "Withdrawn" is a particularly difficult one - it refers for the most part to cases in which assault combined with Reconciliation is the main issue - agreement is required for the charge to be withdrawn; nevertheless withdrawal of this type of charge may not necessarily be a positive resolution of the issue
  - 1) the reason for this observation has to do with the recognized concern in regard to the potentially dangerous emotional and physical consequences in relationships where assault is a significant factor
  - 2) these cases seem to require more long term family counselling than the Conciliation Service is able to provide - several of these cases have been referred to community social agencies
  - 3) in recent Conciliation Counselling there is a trend towards seeking agreement on withdrawal with the Respondent's signing a Peace Bond - this is an attempt to
    - a) emphasize the seriousness of the event
    - b) provide an external control to the Respondent
  - 4) it is recognized that the use of the Peace Bond in this way is probably most effective in those cases in which the Respondent is genuinely concerned about the violence that has occurred in the family
- v in several cases (see Judge's letters in the Appendix) it appears that even though No Agreement has been reached, the contact with the Conciliation Service has had a beneficial impact in "clearing the air" and assisting clients in becoming less conflict-oriented in Court
- vi some basic demographic information is presented in Tables 2 through 8
  - 1) Table 2 - Age of Wife by Outcome
  - 2) Table 3 - Age of Husband by Outcome
  - 3) Table 4 - Number of Children in the Family by Outcome
  - 4) Table 5 - Ages of Children by Outcome
  - 5) Table 6 - Length of Time Separated by Outcome
  - 6) Table 7 - Number of Years Since the Marriage by Outcome
  - 7) Table 8 - Year of First Contact with the Court by Outcome



Table 2

Age of Wife by Outcome

Age of Wife

	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 & over	No Info.	Total
AGREEMENT	3 4%	10 15%	13 20%	10 15%	8 12%	5 7%	3 4%	3 4%	2 3%	2 3%	4 6%	63 100%
NO AGREEMENT	1 2%	6 16%	4 10%	8 21%	9 24%	4 10%		3 8%			2 5%	37 100%
TOTAL	4	16	17	18	17	9	3	6	2	2	6	100





Table 3

Age of Husband by Outcome

Age of Husband

	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60 & over	No Info	Total
AGREEMENT		8 12%	11 17%	12 19%	6 9%	8 12%	4 6%	6 9%	4 6%	1 1%	3 4%	63 100%
NO AGREEMENT		3 8%	7 18%	7 18%	7 18%	5 13%	2 5%	1 2%	1 2%	2 5%	2 5%	37 100%
TOTAL		11	18	19	13	13	6	7	5	3	5	100



## V11 TABLES 2 and 3

- 1) most husbands and wives are between the ages of twenty to thirty nine
  - a) there are no husbands under twenty; 4% of the wives are under twenty
  - b) husbands tend to be slightly older than wives with 34% of husbands forty or over and 22% of wives forty or over
- 2) in all age categories except 35-39 there appears to be no significant difference in Outcome according to age
  - a) in the 35-39 category in both the Husband and Wife Tables twice as many are in the No Agreement category as are in the Agreement Category - there is a similar difference between Agreement and No Agreement in Table 8 in the 8-10 and 11-15 Years-Since-The-Marriage Categories - there are perhaps many reasons for this, some of which might have to do with the data which is emerging in regard to the Crisis of the Middle Years

## V111 TABLES 4 and 5

- 1) there are a total of 170 children most of them concentrated in families with one or two children
- 2) there seems to be no significant difference in Outcome according to number of the children in the family or the ages of the children
- 3) there appears to be a rather equal distribution of children across all age categories with the greatest concentration (24%) in the 7 to 10 category
  - a) the involvement of children in interviews is not commensurate with the number of children potentially able to benefit from inclusion in the conciliation process (see Table 10)
  - b) the training programme of the Conciliation Project is presently focussed on increasing the staff contact and competence with children
    - i) the training programme includes
      - (1) assessment of the impact of the separation on the children
      - (2) where the child's reaction is within the 'normal' range assisting the child in coping with and understanding the separation
      - (3) where the child's reaction seems to be extreme, referring the family to a community agency for further assessment and perhaps treatment



Table 4

Number of Children Per Family by Outcome

Number of Children per Family

	0	1	2	3	4	5	6	7	More than 7	No Info.	Total
AGREEMENT	4 6%	27 43%	17 27%	5 8%	5 8%	2 3%				3 5%	63 100%
NO AGREEMENT	4 11%	13 35%	9 24%	6 16%	2 5%			1 3%		2 5%	37 100%
TOTAL	8	40	26	11	7	2		1		5	100



Table 5

Ages and Numbers of Children by Outcome

Ages and Numbers of Children

	1 month - 2 years	3 - 4 years	5 - 6 years	7 - 10 years	11 - 13 years	14 - 17 years	18 and more years	TOTAL
AGREEMENT	17 16%	16 15%	12 11%	22 21%	16 15%	15 14%	8 8%	106 100%
NO AGREEMENT	9 14%	8 13%	3 5%	18 28%	8 13%	8 13%	10 16%	64 100%
TOTAL	26 15%	24 14\$	15 9%	40 24%	24 14%	23 14%	18 11%	170 100%





## 1X TABLE 6

- 1) 60% of the families seen by conciliation counsellors were separated for less than a year and 75% less than three years
- 2) there is slight difference in outcome in most categories except the 7 months to 1 year category where 30% arrive at agreement and 19% cannot agree - it could be that at this stage family members have got over the initial shock and have not yet been conditioned negatively by a long term struggle
- 3) it is apparent that generally families are seen by the Family Court soon after separation
  - a) even through the possibility of reconciliation seems slight - in this sample 3% - the chances of arriving at agreement should be relatively high
  - b) this is on the basis of the generally accepted view that the sooner people seek conciliation the better

## X TABLE 7

- 1) 70 of the families seen in this sample separated in 1977 or 1978
- 2) the cases for the most part, do not involve families who have frequently and for extended periods of time used the Family Court to resolve family disputes
- 3) it is perhaps significant that 21% of the cases in which there was No Agreement first contacted the Family Court prior to 1975; whereas, only 8% of the cases in which there was agreement had been in contact with the Family Court for that length of time

## X1 TABLE 8

- 1) there does not appear to be a significant difference in Outcome according to Years Since the Marriage except in categories 8 - 10 and 11 - 15
- 2) when categories 8 - 10 and 11 - 15 are grouped there are 15% of the Agreement cases and 34% of the No Agreement cases in this new grouping
- 3) this parallels the observations in Tables 2 and 3 in regard to the Age category 35 - 39 years
- 4) it would appear from this that if either one of the parties is between 35 and 39 years of age and have been married between 8 and 15 years arriving at agreement is significantly more difficult than in other cases



Table 6

Length of Time Separated by Outcome

Length of Time Separated

	Not Separated	1 month - 6 months	7 months - 1 year	2 years	3 years	4 years	5 years	6 years	7 years	More than 7 years	No Info.	TOTAL
AGREEMENT	3 5%	21 33%	19 30%	6 10%	4 6%		1 2%		1 2%	2 3%	6 10%	63 100%
NO AGREEMENT	4 11%	13 35%	7 19%	3 8%	2 5%	3 8%	1 3%	1 3%		1 3%	2 5%	37 100%
TOTAL	7	34	26	9	6	3	2	1	1	3	8	100



Table 7

Year of First Contact with the Family Court by Outcome

Year of First Contact with the Family Court

	1969 and before	1970	1971	1972	1973	1974	1975	1976	1977	1978	No Info.	TOTAL
AGREEMENT	2 3%			1 2%	2 3%		3 5%	8 13%	45 71%	1 2%	1 2%	63 100%
NO AGREEMENT	2 5%	1 3%	1 3%	2 5%		2 5%	1 3%	4 11%	22 59%	2 5%		37 100%
TOTAL	4	1	1	3	2	2	4	12	67	3	1	100





Table 8

Number of Years Since the Date of Marriage by Outcome

Years Since the Date of Marriage

	1 & Under	2	3	4	5	6	7	8 - 10	11 - 15	16 - 19	20 & Over	No Info.	TOTAL
AGREEMENT	4 6%	5 7%	9 14%	10 15%	4 6%	2 3%	1 1%	6 9%	4 6%	7 11%	4 6%	7 11%	63 100%
NO AGREEMENT		4 10%	3 8%	5 13%	1 2%	1 2%	2 5%	6 16%	7 18%	1 2%	5 13%	2 5%	37 100%
TOTAL	4	9	12	15	5	3	3	12	11	8	9	9	100



## XII TABLE 9

- 1) the reasons and combination of reasons why judges adjourn cases to enable partners to use the Conciliation Service are the following:
  - a) Reconciliation
  - b) Threatening and Assault
  - c) Support
  - d) Custody and Access
  - e) Assault and Reconciliation
  - f) Assault and Support
  - g) Assault & Access & Custody
  - h) Assault, Support and Access and Custody
  - i) Support and Access and Custody
  - j) No Reason Given
  
- 2) when the Reconciliation and Assault categories are combined there are a total of 19 cases 11 of them resulting in agreement
  - a) 3 of the 11 agreements were in regard to reconciliation
  - b) 8 of the 11 agreements were withdrawals on assault charges
    - i) it appears that in one of the cases referred for reconciliation alone, the judge referral did not indicate that there was an issue of Assault
    - ii) earlier in this Section a comment was made on the problematic nature of viewing withdrawals on assaults by themselves as being a positive resolution of the dispute
  
- 3) it appears to be significant that 79% of the cases referred for Access and Custody and 80% of the cases referred for Support Access and Custody resulted in agreement
  - a) the agreement ratio in all other categories except Assault and Reconciliation (see above) is considerably lower
  - b) it would seem from this that Custody and Access disputes are the ones most appropriate for resolution by social worker conciliation counsellors - it is interesting to note that these are the types of cases with which lawyers and the courts have the greatest amount of difficulty



TYPE OF REFERRAL BY JUDGE AND OUTCOME

Table 9

	Recon- ciliation		Threatening Assault		Quantum		Custody Access		Assault Reconc.		Assault Quantum		Assault Access; Cust.		Assault Quantum Access; Cust.		Quantum Access Custody		No Reason Given		Totals-Agr./ Disagreement by Judge		Total by Judge
	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	Agr.	No Agr.	
JUDGE																							
A	2	2			2	2	1		1			1			1		1	1			8 57%	5 43%	14 100%
B	1			1	3	1	1	1													5 63%	3 37%	8 100%
C		1		1			1		1	1					1		1	3			4 40%	6 60%	10 100%
D			2		1	2	1										4		1	1	9 75%	3 25%	12 100%
E			2	2	6	2	5	1	4	1			1				7				23 74%	8 26%	31 100%
F		1	1			1		1		1							3				4 50%	4 50%	8 100%
G	1	1	1	1	1	2	1						1						3	2	7 50%	7 50%	14 100%
H																					1 100%		1 100%
I							1														1 100%		1 100%
J					1																1 100%		1 100%
Agr. Disagr. Referral	4 44%	5 56%	6 55%	5 45%	14 58%	10 42%	11 79%	3 21%	7 70%	3 30%		1 100%	2 100%	2 100%		16 80%	4 20%	4 57%	3 43%		63	37	100
Totals by Referral	9 100%		11 100%		24 100%		14 100%		10 100%		1 100%		2 100%		2 100%		20 100%		7 100%		100		



- 4) there is a difference among judges in regard to the number of cases referred and outcome on those referrals
  - a) part of the difference among judges seems to be related to opportunity; that is, differences in regard to total number of domestic disputes on individual dockets
  - b) part of the difference might also be in regard to differences in recognizing those cases in which might best benefit from the Conciliation Service
- 5) generally there are many variables in regard to whether or not agreement is arrived at through the Conciliation Service - a significant factor is most likely the appropriateness of the referral in the first place
  - a) it is possible that through a more clear definition of case appropriate referrals a more consistently high agreement ratio might result
  - b) presently among judges referring 8 or more cases there is a difference from 40% to 75% on agreement

### XIII TABLE 10

- 1) there is a noticeable difference among conciliation counsellors in regard to average number of interviews a case, types of interviews and outcome
- 2) it is possible that differences in style account, for the most part, for differences in number and types of interviews
- 3) the case analysis of the conciliation counsellor with the highest agreement ratio (100%) presents the following observations:
  - a) the highest number of interviews a case at 6.3
  - b) the lowest number of interviews with husband and wife together at 13%
  - c) the highest number of interviews involving children at 31% - these include:
    - i) interviews with husband and child
    - ii) interviews with child alone
    - iii) interviews with wife and child
    - iv) interviews with husband, wife and child





Table 10

TYPES OF INTERVIEWS BY WORKER, BY OUTCOME AND BY INTERVIEWS BY CASE

Conc. Con-selor	Agree-ment	No Agree-ment	Total Cases	Wife	Husband	Husband Wife	Husband Child	Wife Child	Husband Other	Wife Other	Husband Wife Child	Child	Other	Total Int.	Int/Case
A	13 81%	3 19%	16 100%	23 33%	17 25%	22 32%					1 1%	3 4%	3 4%	69 100%	4.3
B	13 59%	9 41%	22 100%	42 33%	34 27%	40 32%	2 2%	3 2%		1 1%	* 1%	3 2%	1 1%	126 100%	5.7
C	12 100%	0 0%	12 100%	23 31%	19 25%	10 13%	6 8%	8 11%			2 3%	7 9%		75 100%	6.3
D	6 40%	9 60%	15 100%	12 29%	12 29%	18 43%								42 100%	2.8
E	8 73%	3 27%	11 100%	13 27%	13 27%	17 35%	1 2%				1 2%	3 6%		48 100%	4.4
F	1 50%	1 50%	2 100%			2 100%								2 100%	1.0
G	8 53%	7 47%	15 100%	8 20%	7 17%	23 56%		1 2%	1 2%			1 2%		41 100%	2.7
H	1 100%	0	1 100%			3 100%								3 100%	3.0
I	1 50%	1 50%	2 100%	2 17%	5 42%	3 25%		1 8%				1 8%		12 100%	6.0
J	0 0	2 100%	2 100%	3 38%	3 38%	2 25%								8 100%	4.0
K	0	2 100%	2 100%											0 0	0.0
	63 63%	37 37%	100 100%	126 30%	110 26%	140 33%	9 2%	13 3%	1	1	4 1%	18 4%	4 1%	426 100%	4.26



- 4) the case analysis of the conciliation counsellors with the next highest agreement ratio of 81% and 73% respectively presents the following observations:
  - a) both average about 4.4 interviews a case
  - b) about 1/3 of their interviews are with husband and wife together
  - c) 5% of the interviews of one conciliation counsellor and 10% of the interviews of the other involved children
- 5) the case analysis of the conciliation counsellor with the fourth highest agreement ratio is difficult
  - a) the reason for this is that statistics related to average number of interviews a case, and types of interviews are very similar, almost identical with the case analysis of the conciliation counsellors just described in 4)
  - b) the difference might be because of;
    - i) the nature of the case load - this worker in the sample and non sample cases carried a much larger number of cases than the other conciliation counsellors
    - ii) other factors which have nothing to do with differences in skill
- 6) the case analysis of the two conciliation counsellors with the lowest agreement ratio presents the following observations:
  - a) the lowest average number of interviews a case at 2.7 and 2.8
  - b) the highest percentage of interviews with husband and wife together at 55% and 43%
- 7) generally the conciliation counsellors with the highest agreement ratios are those with the most experience in clinical social work
- 8) there are differences which appear to be significant in influencing outcome - the major factors from the data reviewed in this sample are:
  - a) the reason for referral
  - b) the judge
  - c) the conciliation counsellor
- 9) it is suggested here, however, that as the experience of the Conciliation Service increases ways might be found to decrease the differences in outcome related to these factors by: more clearly defining issues most appropriate for resolution by the Conciliation Service



- b) a better understanding and definition of the process most appropriate for Conciliation counselling and the on going training of the conciliation counsellors in this process
- 10) 25% of the hundred cases had legal counsel for one or both of the parties
- 11) 6% of the cases required interpreters





E. ADMINISTRATIVE SYSTEMS



# 1. STAFFING

- a. AT THE BEGINNING OF OCTOBER 1976, THE CONCILIATION PROJECT STAFF CONSISTED OF THE FOLLOWING PERSON:

Mr. T. Michael Quiggin	-	Director
Ms. Elizabeth McGinty	-	Administrative Secretary
Mrs. Joan Kelly	-	Senior Conciliation Counsellor
Ms. Patti Tummon	-	Conciliation Counsellor
Ms. Ruth Cook	-	" "
Mrs. Leslie Cowan	-	" "
Mrs. Helen Goudge	-	" "
Mrs. Ann Poulter	-	" "

- i the following persons worked on a full time basis:

Mr. T. Michael Quiggin  
 Ms. Elizabeth McGinty  
 Ms. Patti Tummon  
 Mrs. Ruth Cook

- ii the following staff members were retained on a twelve hour per week basis:

Mrs. Leslie Cowen  
 Mrs. Helen Goudge  
 Mrs. Ann Poulter

- iii Mrs. Joan Kelly, the Supervisor of Intake Services of the Family Court, worked on an approximate half time basis

- iv the following staff members were seconded from the Ministry of the Attorney General

Mrs. Joan Kelly  
 Ms. Patti Tummon  
 Ms. Ruth Cook

- b. from October 1976 to June 1978 the following staff changes have taken place:

- i. Ms. Rebecca Leano was seconded from the Children's Aid Society of Metropolitan Toronto and worked on a twelve hour a week basis as a conciliation counsellor with the Conciliation Project from November 1976 to June 1977



ii Mrs. Ruth Cook left the Conciliation Project in March 1977 and was replaced by Mr. William Davidovitz of the Intake Services Department of the Family Court

iii Mrs. Leslie Cowan left the Conciliation Project in October 1977

Mrs. Helen Goudge's and Mrs. Ann Poulter's time was increased from twelve to eighteen hours a week as a result of Mrs. Cowan's leaving

iv Mrs. Joan Kelly's time with the Conciliation Project has been reduced from one half to one quarter time

v in October 1977 Mrs. Gudrun Hodnett began work as the Conciliation Project Secretary on a twenty four hour a week basis - Mrs. Hodnett's salary is paid by the Ministry of the Attorney General

vi Mrs. Hodnett left the Conciliation Project on May 24, 1978 and was replaced by Mrs. Geraldine Turner

vii in January 1978 Ms. Elizabeth McGinty's position was reclassified from Administrative Secretary to Administrative Assistant

vii Ms. Elizabeth McGinty left the Conciliation Project on May 1, 1978 and was replaced by Mrs. Bernice Scott

c. as of January 1978 the Conciliation Project staff consists of the following persons:

Mr. T. Michael Quiggin	-	Director
Ms. Bernice Scott	-	Admin. Assistant
Mrs. Geraldine Turner	-	Secretary
Mr. William Davidovitz	-	Conciliation Counsellor
Mrs. Helen Goudge	-	" "
Mrs. Joan Kelly	-	" "
Mrs. Ann Poulter	-	" "
Ms. Patti Tummon	-	" "

d. conciliation counsellors are responsible for one other major task area as well as the conciliation counselling as follows:

the October 1978 Conciliation Conference - Mr. William Davidovitz

the Conciliation Project relationship with the Supreme and County Courts and the Ontario Legal Aid Plan - Mrs. Helen Goudge

case consultation on legislation and Court procedure - Mrs. Joan Kelly

Staff training and development - Mrs. Ann Poulter

Co-ordination of referrals from the Family Court and relationship with duty counsel - Ms. Patti Tummon



- e. the Faculty of Social Work of the University of Toronto has accepted the Conciliation Project as a field placement centre
  - i Mrs. Rita Cohn- Davidson and Mrs. Pat Fenton, second year students at the Faculty of Social Work, have worked at the Conciliation Project during the 1977-78 university year
  - ii they were supervised by Ms. Patti Tummon and Mr. William Davidovitz respectively
- f. annual contracts are negotiated with each staff member; copies of the 1978-79 contracts are included in the appendix

## 2. FINANCES

- a. the following are the monthly procedures in regard to the financial accounting of the Health and Welfare Canada Grant
  - i cheques and bank charges are entered into the Cheque Journal
  - ii the Cheque Journal is totalled and cross balanced
    - 1) the following are the categories in the Cheque Journal:
      - Net Payroll
      - Research
      - Travel
      - Training and Staff Development
      - Telephone, Stationery & Supplies
      - Other
    - 2) the total of the above is the monthly claim to Health and Welfare Canada
  - iii deposits are entered in the Bank Deposit Journal
    - 1) the Bank Deposit Journal is totalled and cross balanced
    - 2) the following are the categories in the Bank Deposit Journal
      - Grants Received
      - Interest Income
  - iv the bank statement is reconciled using the Cheque Journal, the Bank Deposit Journal, and the cancelled cheques
  - v payroll figures are entered in the Payroll Journal
    - 1) the Payroll Journal is totalled and cross balanced
    - 2) the following are the categories in the Payroll Journal:
      - Gross Wage
      - Income Tax
      - Canada Pension Plan
      - Unemployment Insurance
      - Total Deductions
      - Net Cheque





- v. from the above figures the employer CPP and UI contributions are calculated
- vi the employee and employer contributions are totalled to determine the amount of the monthly cheque to the Receiver General of Canada
- vii the following are entered into each employee's record:

Gross salary  
Deductions  
Net Salary

- viii the General Ledger Sheets are posted using the following:

Cheque Journal  
Bank Deposit Journal  
Payroll Journal

There is a General Ledger Sheet for each of the following categories:

Bank  
Payroll Clearing  
Federal Grants Received  
Salary - Director  
Salary - Part-Time Conciliation Counsellors  
Fringe Benefits  
Training and Development  
Research  
Telephone, Stationery, Postage & Supplies  
Travel

- ix the monthly Financial Statements are made up by using the General Ledger Sheets

These statements include the following:

Actual Costs for the Month  
Actual Costs to Date  
Budget for the Month  
Budget to Date  
Month's unused or overspent position  
To date unused or overspent position  
Budget for the Fiscal Year

- b. a similar system to that described in 2. a, is used in the financial reporting in regard to the services in-kind grant from the Ministry of the Attorney General for the Province of Ontario
- c. Accounts Payable are processed through the following system:
  - i before a cheque is written, invoices are received and stamped, and approved by the appropriate committee chairman
  - ii all expenses over one hundred dollars require Finance Committee approval



### 3. CASE CONTROL

#### a. REFERRALS FROM THE FAMILY COURT

- i the court attendant brings the Referral Form and the clients either to the central information desk or the Conciliation Project office
- ii the clients are asked to wait (for about 10 to 15 minutes) in the general or Conciliation Project waiting room
- iii the administrative assistant transfers the clients' Intake file from the Intake Services Department to the Conciliation Project
  - 1) this transfer is noted on the client's index card in the Intake files
  - 2) all domestic cases in the Family Court have an Intake Services file inasmuch as intake counsellors, as part of the total Court process, see at least one member of the family before the case appears in Court
- iv the administrative assistant obtains the Court File from the Records Department of the Family Court
  - 1) the Court attendant immediately returns the Court File from the Court to the Records Department
  - 2) the Records Department staff note on their disposition record that the case has been referred to the Conciliation Service - the Court File can then be signed out to the Conciliation Service
- v the administrative assistant enters the following information in the Conciliation Project Day Book
  - Name of the Family
  - Date Case Referred
  - Adjournment Date
  - Referring Judge
  - Worker assigned
- vi a Client Chart is then set up containing the same information
- vii a Conciliation Service client file is opened containing the following forms:
  - Photostat of the Referral Form
  - Face Sheet
  - Material from the Intake Services File
  - Form of Acknowledgement
- viii a tracer is placed in the Court File - this tracer is intended to docket Court appearances and time spent in Court



- ix the clients are interviewed by the administrative assistant to complete the Conciliation Project Intake Form
- x if a conciliation counsellor is immediately available, the family is seen right away - if not, an appointment is made and the clients are given appointment cards
- xi the above process takes approximately one half hour and is co-ordinated by the administrative assistant
- xii each week a client alphabetical index is updated by using data from the Day Book
- xiii the Client File is filed numerically according to a number assigned through the Day Book

b. REFERRALS FROM OTHER SOURCES

- i referrals from the Supreme and County Courts and other referral sources are processed in a similar manner as that described for referrals from the Family Court
- ii the significant differences are in the initial contact with the Conciliation Service - these procedures are described in the section on the Referral Process

c. THE CLIENT CHART

- i the Client Chart is intended as a current record of the conciliation with each active case and it includes:
  - 1) notes from the staff consultation held just after the conciliation counsellor has seen the family
  - 2) notes from the staff consultation one week prior to the Conciliation Report being prepared
  - 3) notes from any other consultation which might be held in regard to the case
  - 4) a summary of the dynamics of the case prepared at the termination of client contact
- ii while the case is active the Client Chart remains in the Chart File - when the case is closed it is entered in the Client File

4. GENERAL FILES

- a. There are General Files in the following categories:

Administration  
 Community Relations  
 Training  
 Research  
 Direct Counselling  
 Indirect Counselling





- b. these categories and their sub-categories are filed numerically
- c. there is also an alphabetical card system cross-indexed with the numerical system
- d. these General File categories are the same as the headings used in the functional budgeting system

#### 5. ANALYSIS OF CONCILIATION COUNSELLOR TIME

- a. each conciliation counsellor keeps a daily time record
- b. this record is a duplicate system which provides an individual chit to be filed according to functional category and a summary of the conciliation counsellor's time
- c. this system provides a means of costing out each case served by the Conciliation Project

#### 6. OBSERVATIONS AND IMPRESSIONS

##### a STAFFING

- i the full time staff seconded from the Ministry of the Attorney General to the Conciliation Project are accountable to both the Supervisor of Intake Services of the Family Court and the Director of the Conciliation Project
  - 1) as civil servants they remain staff of the Intake Services Department with in-line accountability to the Supervisor of Intake Services
  - 2) as conciliation counsellors they are accountable on a day to day basis to the Director of the Conciliation Project
  - 3) in the contracts with the Conciliation Project these staff agree to this dual accountability - to date there have been no difficulties with this system
- ii the seconding of Mrs. Joan Kelly, Supervisor of Intake Services, on a part time basis has been significant for several reasons:
  - 1) from the outset this has facilitated the important communication and relationship with the staff and system of the Family Court
  - 2) Day to day consultation on legislation and Court procedures has proved a valuable asset, especially for the staff new to the Family Court
- iii the initial reason for employing part time staff was to provide greater flexibility in the provision of services, especially in regard to evening hours
  - 1) as it turned out all staff are responsible for up to two evenings a week
  - 2) the real value in having three part time staff in the initial stages of the Conciliation Project has been the individual attributes of each staff person and their insights in the development of the Conciliation process
  - 3) the difficulties which emerged in regard to the three part time staff working twelve hours each per week were the following:-





- a) continuity of service could only be provided with significant difficulty on the part of both the full time and part time staff
  - b) it is necessary for part time staff to be called frequently at home in regard to the needs of their clients
  - c) full time staff have been required to do work on cases of the part time staff
  - d) full time staff carried a case load disproportionate to that of part time staff
  - e) the ratio between direct service to clients and time required for training and administration was inefficient
  - f) in Research Study One it was difficult to obtain a representative sample of cases from the part time staff for the following reasons:
    - i) the size of part time staff case-load
    - ii) problems of co-ordinating the time or part-time with research staff
- iv as a result of the difficulties outlined in ii 3) a) the time of two part-time staff was increased to 18 hours a week from 12 when one of the part-time staff left the Conciliation Project in October 1977
- 1) this was decided upon rather than hiring a third part time person
  - 2) it appears that given the present development of the Conciliation Project, the experience of the part-time staff, and the increase of time from 12 to 18 hours the difficulties characteristic of those outlined in iii 3) can be overcome
- v Generally the advantage of Ms. Leano's experience with the Conciliation Project included the following:
- 1) the addition of the perspective of another agency in working with families - this was especially important in that no other staff member had Children's Aid experience
  - 2) more informed discussion in regard to tension between parent and child needs
  - 3) Ms. Leano's skills in organizing and conceptualizing her work within the Conciliation Project
  - 4) providing an important community agency with direct experience with the Conciliation Project
- vi the difficulties in using a worker from another agency on a twelve hour a week basis were the following:



- (1) the tension for the worker of having case demands from two agencies - this was especially difficult in regard to the nature of Ms. Leano's protection' work with the Children's Aid Society
  - (2) similar problems to those of the other workers on the Conciliation Project on a twelve hour a week basis
  - (3) problems associated with catching up with the rest of the staff after missing the October 1976 Training Programme
- vii the process used to fill the vacancy caused when Mrs. Ruth Cook left the Conciliation Project was the following:
- 1) three members of the Intake Department indicated an interest in the position
  - 2) the qualifications of each were reviewed by the Supervisor of Intake Services and the Director of the Conciliation Project
  - 3) two of those interested were interviewed by the Director of the Conciliation Project and Ms. Patti Tummon, the remaining full-time conciliation counsellor seconded from the Intake Services Department - one was interviewed by the Director
  - 4) the total Conciliation Project staff interviewed two of the applicants and made the decision to ask Mr. William Davidovitz to join them as a Conciliation Counsellor - the use of this process has seemed to be an effective one in
    - a) thoroughly evaluating an applicant's qualifications
    - b) maintaining group cohesion
- vii the assignment of conciliation counsellors to specialized tasks apart from Conciliation Counselling was done for the following reasons:
- 1) to take better advantage of the skills and interests of each conciliation counsellor
  - 2) to give specialized attention, appropriate for a demonstration project, to significant ancillary work
- viii the annual negotiating of staff contracts has the following benefits:
- 1) a clarification of the evolving responsibilities of the conciliation counsellor as they pertain to the evolution of Conciliation Project needs
  - 2) an evaluation of the Conciliation Project as perceived by the Conciliation Counsellor



## b. FINANCES

- i the system of financial accounting was set up by Mr. Harry Nixon of Smith, Nixon and Company, Board Member
- ii it is maintained by the Administrative Assistant of the Conciliation Project and monitored by Mr. Nixon and his associates
- iii this system has provided consistent financial reporting and has kept the Board current on its financial position
- iv the investment in short term deposits of grant monies not immediately required has generated a few hundred dollars in interest each year

## c. CASE CONTROL

- i the system presented is the result of an evolutionary process and in its totality relatively new
- ii weekly staff consultation on all active cases is intended to accomplish the following:
  - 1) increase staff familiarity with the contribution to the total case load of the Conciliation Project
  - 2) develop greater consistency in case review and case management
  - 3) develop counsellor conciliation skills
- iii the Client Chart is intended to provide a more complete current record of case progress with increasing the paper work required of the Conciliation Counsellor
- iv the daily record of conciliation counsellor work is adapted from the one used by the law firm of MacDonald and Ferrier - this system is intended to:
  - 1) reduce to one the number of statistical forms used by Conciliation Counsellors
  - 2) place most statistical work in the hands of office staff
  - 3) present a complete picture of total counsellor work
  - 4) cost out the work with each family



F. PROPOSED CONFERENCE

Prepared on behalf of the  
Conference Committee by:

S. W. Davidovitz,  
Conciliation Counsellor







## A. ORIGINS

1. The idea for a Conciliation Conference comes from a letter sent by Robert Hart in November of 1977 to the Chairman of the Board of Directors of the Conciliation Project. In it, the following proposal was made:

"By this time next year both the Kingston and Toronto demonstrations will either be phasing out or beginning to consider it. A second conference dealing with the policy considerations of conciliation as well as the basic services to be offered would probably be most opportune at this time. Because of the granting structure, it is easiest for us to support such a conference as part of the budget of an existing project and I would ask the Board to consider Toronto as the focus of the next conference. May I suggest that the Board consider the striking of a Staff-Board committee to plan such a conference with a committee to involve staff from other projects".

2. At the meeting of the Board of Directors on December 1, 1977 the above idea was approved in principle. At the same time a conference committee was established, consisting of:

His Honour Senior Judge L. A. Beaulieu	-	Provincial Court (Family Division)
Mr. H. Nixon	-	Accountant
Mr. B. Falls	-	Family Service Association

Mr. S. W. Davidovitz was assigned by the Project Director to staff the Conference Committee.

## B. THE PLANNING PROCESS

1. The Conference Committee was assigned the immediate task of preparing a budget estimate for the planning of the conference. It was also made responsible for the long range planning of the Conference
2. The Conference Committee prepared an outline of possible areas of concentration for the conference:
  - a. to compare the approach and services of the six Ontario projects
  - b. to relate Conciliation to other Court and Community Services
  - c. to bring legal and social services into closer rapport
  - d. to assess conciliation in light of Government policy, e.g.
    - i does the new Family Law Reform Act encourage litigation? conciliation?



ii who will fund future conciliation?  
The Attorney General? Federal Justice?

iii the place of Conciliation in a Unified  
Court

e. to further practitioner education

f. to initiate an extensive process of  
communication over the next year among the  
various projects. The purpose of a  
conference would be to consolidate the  
issues and opinions which emerge from the  
above communication process

g. to bring practitioners in the various  
projects together with policy makers at the  
provincial and federal levels so that there  
can be a substantial exchange regarding  
future policy decisions in conciliation  
services

### 3. Division of planning tasks

- FINANCE
- PROGRAMME
- PUBLIC RELATIONS
- ACCOMMODATIONS

### C. OBSERVATIONS

1. The Prince Hotel has been selected as the site for the Conference, with a tentative date of October 27-29, 1978.
2. A programme strategy has been implemented. Its intention is to involve conciliation practitioners, lawyers, judiciary and government in order to get varied perspectives on present and future issues related to conciliation.
3. Initial response from other local practitioners to the exchange of ideas around conciliation has been enthusiastic.

### D. IMPRESSIONS

1. One of the purposes of this Conference was a stated intention at the end of the Kingston Conference. There was, however, no follow-up to that stated intent. The planning process of the upcoming Conference could be the kind of information network which was talked about in Kingston. It serves the dual purpose of providing needed lines of communication, as well as having a concrete purpose for this communication, i.e. a Conference.



2. The notion of meaningful dialogue between practitioners and policy-makers is a sound idea. It has implications for other projects or already existing services which would be useful to examine closely following the Conference.



G. FAMILY COURT CONCILIATION RESEARCH

Prepared on behalf of the  
Research Committee by:

H. Irving, Research Director  
P. Bohm, Research Assistant





## INTRODUCTION

Social intervention programmes are, of course, designed to ameliorate human difficulties, and as such, they are derived from the identification of and concern over a particular problem or set of problems. Widespread marriage breakdown and conflict over corollary issues (support, child custody, property division, protection, etc.) have lead to programmes of intake counselling organized within the Family Court system, designed to assist those seeking legal relief from marriage conflict.

Although some innovations and variations for improving the Family Court service have emerged elsewhere, e.g. "conciliation counselling" (Elkin, 1973) little or no reliable evidence has been generated to support the superiority of these additions to traditional intake procedures in terms of outcome.

For these reasons, it was decided to introduce a conciliation service to the Family Court in Toronto on an experimental basis. In order to determine whether a more intensive and extensive counselling process such as this would actually facilitate the achievement of amicable agreements between spouses, a comparison study is being done to assess these alternatives. To determine how conciliation counselling works, the programme process is also being examined. Therefore, two separate but related studies will be completed.

### STUDY 1: Experimental Evaluation

The first study utilizes an experimental design, which compares and contrasts the Intake service (control) with Conciliation service (experimental). Under this project, clients who are making their first visit to the Family Court concerning marital conflict are assigned randomly to one of two groups:

- A INTAKE - (the traditional process)
- B CONCILIATION - (the experimental procedures)

Both groups undergo baseline (pre-intervention) evaluation, intervention process monitoring, and follow-up post-intervention) evaluation. The design for this is presented schematically below.

	Pre-intervention Evaluation	Intervention	Post-intervention Evaluation
	BASELINE	PROCESS	OUTCOME
GROUP A	Time 1 <sub>a</sub>	Time 2 <sub>a</sub>	Time 3 <sub>a</sub> 6 weeks and 1 year
GROUP B	Time 1 <sub>b</sub>	Time 2 <sub>b</sub>	Time 3 <sub>b</sub> 6 weeks and 1 year



The general purpose of these procedures is to determine:

- (1) whether there is a difference in outcome between the two comparable groups;
- (2) how differences in the intervention process are related to various intervention outcomes legally and personally for clients;
- (3) what client characteristics and situations are related to the various processes and outcomes.

In other words, the purpose of the project is to examine the potential of current innovative changes which have been introduced to the Family Court, in the form of "Conciliation Counselling".

### Questions

In comparing experimental and control outcomes, answers to the following general questions will be pursued in operational form

1. How helpful was intervention?
2. Within which client profiles was improvement most likely?
3. What interpersonal and social characteristics were related to improvement?
4. What factors interacted to "Result" in improvement?
5. How costly were the two processes?

The dependent variables involved in measure of marital conflict, marital agreement, marital satisfaction, life satisfaction and family litigation will be examined in relation to several key hypotheses.

### Hypotheses

The overall hypotheses and sub-hypotheses for experimental comparison are as follows:

THE CONCILIATION COUNSELLING INTERVENTION IS MORE  
LIKELY TO BE EFFECTIVE IN ACHIEVING AGREEMENT AS  
REFLECTED BY PROBLEM CONFLICT REDUCTION

(as compared to the Intake control condition)

- A. Particularly with those clients who have substantial issues at stake (e.g. custody, access, support).
- B. Particularly with those who have, and are helped to employ apparent resources in the form of marital relationship strength, education, cultural and family support (e.g. spouse availability and the involvement of both spouses in counselling).
- C. In terms of significantly less time spent in court proceedings.



These findings will also be cross-tabulated according to process measures such as: service satisfaction; interview content; time of day; length of interview; number of interviews; and degree of perceived effectiveness according to client and worker.

### Research Data Collection

Collection of data for Phase I of the Conciliation Project research took place during three periods of time. First, during the winter months, the research instruments were pre-tested. Second, in the spring and summer months, baseline interviews and process data were collected. Third, follow-up interviews were initiated during the fall.

Pre-testing the baseline Interview Schedule involved conducting more than 30 interviews using the draft document. These interviews were carried out by a research assistant and several counsellors from the Conciliation Project. After extensive discussion and feedback the instrument was finalized and printed. A similar process was utilized with the preparation of the Interview Record, Termination Record and Follow-Up Interview Schedule.

Prior to initiating baseline data collection, the interviewers (three professional MSW social workers and one experienced research interviewer) were trained in the use of the instrument and related standard procedures. Clients seeking help from the Family Court for the first time were selected from Intake at random, interviewed and assigned to experimental or control group workers only on the basis of what worker was available. While this assignment could not be done on an equally divided basis (since there were fewer workers available to take clients for experimental intervention), there were not apparent factors other than "availability of a worker" to systematically bias the assignments made. During the baseline data collection period (May - October, 1977) a research assistant monitored and supervised the process to ensure completeness and consistency in obtaining the responses. Careful records were kept regarding which groups, interviewer, worker and dates were involved for each case.

The above procedures were continued throughout the follow-up interview period of data collection.

Surprisingly, few problems arose during these processes. Furthermore, a high degree of co-operation was displayed between and among researchers and the Family Court personnel.

### Sample

A total of 242 baseline interviews were conducted (129 assigned to the control group intervention and 113 to experimental intervention). Six cases in each group were lost due to a variety of unforeseen circumstances, e.g. clients were in the "wrong place", had to leave early, refused to co-operate, etc. The final sample amounted to 230, as summarized below:

Experimental	107
Control	123
	<hr/>
Total Sample	230

To date, approximately 70% of the six-week follow-up have been completed.





### Data Processing

Quantitative items were coded for analysis using S.P.S.S. Qualitative responses will be analyzed later to provide descriptive case data to aid in interpreting major findings and develop further research questions.

### Data Analysis

Descriptive statistics will, of course, be utilized to define the sample. For the comparative evaluation aspects of the study, five groups of variables will be analyzed using T-test and regression analysis procedures. These are summarized in abbreviated form below within five groups of dependent variables.

<u>Dependent Variable Cluster</u>	<u>Measure of Change</u>
1. Marital Conflict	- Problem checklist scale
2. Marital Agreement	- Frequency of agreements
3. General Life Dissatisfaction	- Life Satisfaction Index
4. Marital Dissatisfaction	- Index of Marital Satisfaction
5. Excessive Litigation	- Time spent in Court

### STUDY II: Process Evaluation

The second study examines the conciliation process through an exploratory design. The purpose of this will be to describe and evaluate the conciliation process along various dimensions.

The objectives of this second study are described below:

1. Description of Client Using Conciliation Service.  
To provide data on socio-economic cultural characteristics of clients (including both spouses) and a description of the presenting problem and source of referral to Court. Previous Court and other community service contact will be recorded. The client's reasons for coming to Court, as well as his goals and expectations will be gathered.
2. Programme Process Model and Evaluation of the Administrative Organization of the Report.  
To describe and evaluate the actual service delivery process and the administrative structure of the Conciliation Project.
3. To evaluate and analyze outcome measures, e.g.:
  - (a) to determine if the objectives of the clients and staff were realized;
  - (b) to determine the effect of any agreements arrived at during conciliation service (on children as well as spouses);
  - (c) to analyze the clients attitudes and opinions regarding their experience in the project;





- (d) to analyze client change in both individual and family functioning;
- (e) to record the amount of time spent in the Court system.

The same approach will be carried out with judges, lawyers and others who have been involved with the Conciliation Project.

- 4. To analyze the differences in the project as experienced by each spouse.
- 5. To write up and analyze data with recommendations for programme development for conciliation court services. A model for effective conciliation services will be developed.

#### Plans for Study II

Currently, plans are under way to implement data collection for the second phase of the research. Utilizing Study I experience, the instruments are being reviewed, discussed and revised in line with Study II objectives.

Conciliation Project staff will be involved even more extensively in the preparation and implementation of this part of the research.

We will be entering sub-samples from four main entry points:

- 1. Referrals from the Family Court.
- 2. Referrals from the Supreme Court.
- 3. Referrals from Lawyers.
- 4. Referrals from the Community (to include social agencies, hospitals and private practitioners.

#### CONCLUDING COMMENTS

Having stated the general remarks above, it is also important to acknowledge the fact that no single experiment or evaluation project can be expected to generate conclusive findings. Rather, a project such as this is seen as an initial step in attempting to determine which of many possible court service approaches can be considered most effective for certain clients and under specific circumstances. No final answers are anticipated. However, hopefully this sort of project provides more reliable and valid clues for developing increasingly effective Family Court services to families experiencing intolerable conflict.



H.        COMMUNITY EDUCATION



During the past year the Conciliation Project has presented two seminars:

- "Counsellor as Expert Witness"
- "Mediator's Report, Its Purpose, Its Content"

These community education events have come to be known as Board Seminars. The intent of these Board Seminars is to focus on conciliation issues which will be of interest to both the legal and social work communities. Each of the two seminars was attended by about one hundred persons. The seminars took place in Court Room 1, Provincial Court (Family Division), 311 Jarvis Street, Toronto.

The participants in the role play and panel for the "Counsellor as Expert Witness" program were:

- |                             |   |
|-----------------------------|---|
| - His Honour Judge H. Lock  | - County Court  |
| - John R. R. Jennings, Q.C. | - Kingsmill, Jennings & Co.                                     |
| - William D. Mackie, Esq.   | - Barrister & Solicitor   |
| - Norman Mintz              | - Social Worker, Family Service Association, Hamilton-Wentworth |
| - Marion Hallinger          | - Social Worker, Children's Aid Society, Hamilton-Wentworth     |

The participants in the panel discussion for the "Mediator's Report - Its Purpose, Its Content" program were:

- |                                   |  |
|-----------------------------------|--|
| - Dr. Derek Mendes da Costa, Q.C. | - Chairman of the Ontario Law Reform Commission                          |
| - The Hon. Mr. Justice Labrosse   | - The Supreme Court of Ontario   |
| - His Honour Judge D. R. Main     | - Provincial Court (Family Division)                                     |
| - Lloyd W. Perry, Q.C.            | - The Official Guardian  |
| - I. G. Bastedo                   | - Chairman, Family Law Section, Canadian Bar Association, Ontario Branch |
| - Dr. Howard Irving               | - Faculty of Social Work, University of Toronto                          |

The next Board Seminar will focus on the Children of Divorce, and will take place on August 28, 1978. The main speaker will be Joan B. Kelly, Ph.D., Children of Divorce Project, Community Mental Health Center, Marin County, California. Dr. Kelly is well known through her research on the Children of Divorce. Her articles have appeared in several journals.



## APPENDIX





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A P P E N D I X

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T a b l e   o f   C o n t e n t s

1.    BOARD OF DIRECTORS
2.    BOARD COMMITTEES AND RESPONSIBILITIES
3.    MINUTES OF BOARD MEETINGS
4.    MARCH 1978 FINANCIAL STATEMENTS
5.    LETTERS FROM JUDGES
6.    OPEN AND CLOSED MEDIATION
7.    STAFF CONTRACTS
8.    FORMS
9.    RESEARCH SCHEDULES   -   STUDY I
10.   BROCHURES FOR DISTRIBUTION TO CLIENTS
11.   BROCHURES FOR DISTRIBUTION TO AGENCIES AND LAWYERS



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1.            B O A R D   O F   D I R E C T O R S  
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## BOARD OF DIRECTORS

### CHAIRMAN

Dr. Derek Mendes da Costa, Q.C. Chairman, Ontario Law Reform Commission

### VICE-CHAIRMAN

Mrs. Ruth Parry Director, Family Court Clinic,  
Clarke Institute of Psychiatry

### ACCOUNTANT

Mr. Harry Nixon Smith Nixon & Co., Chartered Accountants

### MEMBERS

Chief Judge H.T.G. Andrews Provincial Court (Family Division)

Dr. Reuben Baetz Ministry of Energy

Senior Judge L.A. Beaulieu Provincial Court (Family Division)

Mrs. Beth Clements Children's Aid Society, Metro Toronto

Mr. Alex J. Davidson, Q.C. Master, Supreme Court of Ontario

Mr. W. R. Donkin, Q.C. Area Director, Legal Aid Plan of Ontario

Mr. Barry Falls Family Service Association

Mr. John R. R. Jennings, Q.C. Kingsmill Jennings & Co.

Mr. Robert Klassen Barrister and Solicitor

Mr. E. Larman Jewish Family & Child Service

His Honour Judge D. R. Main Provincial Court (Family Division)

The Honourable Mr. Justice Morand The Supreme Court of Ontario

Mrs. Frances Pendrith Min. of Community & Social Services

Mr. Lloyd W. Perry, Q.C. Official Guardian

Ms. Janet Rowney Income Security Secretariat

Mr. Allan Sherlock Catholic Children's Aid Society, Metro Toronto

Madame Commissioner Speigel The Supreme Court of Ontario

Staff Sgt. William Stanton Community Relations Branch, Metro Toronto  
Police

Ms. Marlene Swirsky Family Clinic

Ms. Karen Weiler Ministry of the Attorney General

His Honour Judge E. F. Wren Judicial District of York, Court House

### EX OFFICIO MEMBERS

Mr. T. M. Quiggin Director, Conciliation Project,  
Provincial Court, (Family Div.)

Dr. H. Irving Professor, Faculty of Social Work,  
University of Toronto  
Research Consultant, Conciliation Project

Mrs. J. Kelly Supervisor, Intake Dept. Provincial Court,  
(Family Division)

Mr. M. Baker Director, Court Services, Provincial Court  
(Family Division)



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2. BOARD COMMITTEES AND  
RESPONSIBILITIES

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## BOARD COMMITTEES AND RESPONSIBILITIES

### Executive Committee

The members of the Executive Committee are:

Prof. Derek Mendes da Costa, Q.C.	-	Chairman
Mrs. Ruth Parry	-	Vice-Chairman
Mr. Harry Nixon	-	Accountant
His Honour Judge D. R. Main	-	Ex Officio
Mr. T. Michael Quiggin	-	Ex Officio

The Executive Committee responsibilities are:

acting on behalf of the Board between Board meetings;

preparing agenda for the Board;

co-ordinating and assisting the work of Board committees;

and carrying out any other responsibilities delegated to it by the Board.

### Accounting Committee

The members of the Accounting Committee are:

Mr. Harry Nixon	-	Chairman
His Honour Judge D. R. Main		
Prof. Derek Mendes da Costa, Q.C.	-	Ex Officio
Mr. T. Michael Quiggin	-	Ex Officio
Mr. W. R. Donkin, Q.C.		

The Accounting Committee responsibilities are:

preparing annual budgets;

preparing monthly financial statements;

developing financial record keeping systems;

maintaining financial records;

preparing claims for National Welfare Grants, Health and Welfare Canada; and

undertaking any other such tasks delegated to it by the Board.

### Community Relations Committee

The members of the Community Relations Committee are:

Ms. Marlene Swirsky	-	Chairman
Staff Sgt. William Stanton		
Mr. R. Klassen		
Mr. Lloyd Perry, Q.C.		
Mr. E. Larman		
Mrs. Beth Clements		
Prof. Derek Mendes da Costa, Q.C.	-	Ex Officio
Mr. T. Michael Quiggin	-	Ex Officio
Madame Commissioner G. Spiegel		
His Honour Judge L. A. Beaulieu		
Mr. Barry Falls		



The responsibilities of this Committee are:

creating communication links with community service resources, professional organizations and academic institutions;

preparing public relations materials designed to interpret the Conciliation Project to clients, agencies, judges, lawyers and other appropriate individuals and organizations;

setting up as the need emerges, sub-groups to undertake specific tasks; and

undertaking other such duties as delegated to it by the Board.

#### Research Committee

The members of the Research Committee are:

Ms. Janet Rowney	- Chairman
Dr. Clive Chamberlain	
Master Alex Davidson, Q.C.	
Dr. Howard Irving	- Research Director
His Honour Judge L. A. Beaulieu	
Mrs. Karen M. Weiler	
Mrs. Fran Pendrith	

The responsibilities of this Committee are:

developing a research design and research instrument to implement the design including budget;

pre-testing the research instruments including the hiring of research staff;

preparing the research reports; and

undertaking any other such duties as delegated to it by the Board.

#### Personnel and Training Committee

His Honour Chief Judge H.T.G. Andrews	- Chairman
His Honour Judge E. F. Wren	
Mrs. Ruth Parry	
Mr. E. Larman	
Prof. Derek Mendes da Costa, Q.C.	- Ex Officio
Mr. T. Michael Quiggin	- Ex Officio
Mr. John R. R. Jennings, Q.C.	
Mr. Allan Sherlock	



The responsibilities of the committee are:

setting criteria for the hiring of staff and consultants;

working in conjunction with the Director in hiring staff and consultants;

developing Conciliation Project Personnel practice standards;

acting as a grievance committee for staff grievances;

developing an on-going training programme with the staff;

undertaking any other such responsibilities as delegated to it by the Board.



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### 3. MINUTES OF BOARD MEETINGS

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PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 18 King Street East,  
May 11, 1978 at 3:00 p.m. in the Board Room, 18th Floor.

PRESENT: Prof. D. Mendes da Costa, Q.C. - Chairman  
Mrs. Ruth Parry - Vice Chairman  
Mr. H. Nixon - Accountant  
Mr. R. Klassen - Barrister & Solicitor  
Mr. E. Larman - Jewish Family & Child Services  
His Honour Judge D. R. Main - Provincial Court (Fam. Divn.)  
His Honour Judge L. A. Beaulieu - " " " "  
Mr. Lloyd Perry, Q.C. - Official Guardian  
Madame Commissioner G. Spiegel - Supreme Court of Ontario  
Ms. Marlene Swirsky - Family Court Clinic  
Mr. Frank Turville, Q.C. - Legal Aid Plan of Ontario

Ex Officio:

Mr. T. M. Quiggin - Conciliation Project  
Mrs. J. Kelly - Provincial Court (Fam. Divn.)

Project Staff:

Mr. S. W. Davidovitz - Conciliation Counsellor

Research Staff:

Dr. H. Irving - Faculty of Social Work, U of T  
Mr. P. Bohm - " " " " " "

Regrets:

Master A. Davison, Q.C. - Master, Supreme Court

1. MINUTES

IT WAS MOVED by Judge Main and seconded by Mr. R. Klassen that the minutes of meeting held April 5, 1978 be approved as seconded. CARRIED.

2. COMMITTEE REPORTS

2.1 Executive Committee

The Chairman put the Progress Report before the meeting for comment. Mr. F. Turville noted the following:-

- Page 7, (vi)(1)(b): "..... duty counsellor" should read "..... duty counsel".



- Page 9, (5): "duty counsel will be assigned.....".

It was agreed that this paragraph will commence:-

"initially, duty counsel was assigned to the courts ..."

- Page 6, (c)(v)(2): This comment with respect to duty counsel should be changed to reflect what is now happening.

It was agreed that these sections of the report would be re-written and forwarded to Judge Karswick, Judge Weisman, and Messrs. Turville and Donkin for comment.

IT WAS MOVED by Mr. H. Nixon and seconded by Mrs. R. Parry that subject to Mr. Turville's comments, the report will be re-typed in its present format and submitted as the second Progress Report by the next Board meeting. CARRIED.

## 2.2 Research Committee

Dr. H. Irving reported that the initial study has been completed. The follow-up data is now complete, the material coded, and they have commenced to retrieve the data.

Peter Bohm gave a brief overview of the purpose of the study and the results retrieved up to this point.

It was suggested that members of the Research Committee should try to determine the average cost of a Conciliation case, and if possible, to compare this cost with that of Intake. Dr. Irving agreed that this could be done.

The first report of the Research Committee will be available by the end of the summer.

Dr. Irving reported that Jim Wepler has been retained to undertake the systems analysis of Ontario conciliation projects, for the purposes of the October Conference.

The question was raised in regard to the number of referrals from Intake to Conciliation. It was felt by some that there did not appear to be as many referrals as one would expect.

Mrs. J. Kelly was asked to review this with her staff and to report to the Board at the next meeting.

Dr. Irving indicated that he had met with Ms P. Tummmon and Mr. B. Davidovitz to discuss the research schedules for Stage II of the Research. The schedules are now ready and will be sent to the printers by May 12th. A pre-testing will be completed before the study begins.



## PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 18 King Street East,  
April 5, 1978 at 3:00 p.m. in the Board Room, 18th Floor.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mr. H. Nixon - Accountant  
Mr. R. Klassen - Barrister & Solicitor  
Mr. E. Larman - Jewish Family & Child Services  
Chief Judge H.T.G. Andrews - Provincial Court (Fam.Div.)  
His Honour Judge L.A. Beaulieu - " " " "  
His Honour Judge D.R. Main - " " " "  
Mrs. F. Pendrith - Social Services Division  
Mr. Lloyd Perry Q.C. - Official Guardian  
Mr. A. Sherlock - Catholic Children's Aid Soc.of T  
Mr. F. Turville - Senior Counsel, Legal Aid

EX OFFICIO:  
Mr. T. M. Quiggin - Conciliation Project

PROJECT STAFF:  
Mr. S. W. Davidovitz - Conciliation Counsellor

RESEARCH STAFF:  
Mr. P. Bohm - Faculty of Social Work U of T

REGRETS:  
Mrs. Ruth Parry - Vice Chairman  
Master A. Davidson, Q.C. - Master, Supreme Court  
Mr. B. Falls - Family Services Association  
Mrs. J. Kelly - Provincial Court (Fam.Div.)  
Dr. H. Irving - Faculty of Social Work U of T  
Mrs. Karen Weiler - Counsel, Policy Development Div.  
His Honour Judge E.F. Wren - Judicial District of York  
Mrs. Janet Rowney - Income Security Secretariat

### 1. MINUTES

IT WAS MOVED by Mr. R. Klassen and seconded by Judge Beaulieu that the minutes of meeting held March 1, 1978 be approved as seconded.

CARRIED

### 2. COMMITTEE REPORTS

#### 2.1 Executive Committee

The Executive Committee has reviewed the final draft of the Progress Rport. In order for the Project to use material relating to certain agencies, judges and courts, the material will be sent to the appropriate persons for their permission. When permission has been





2.3 Community Relations Committee

No report.

2.4 Accounting Committee

Mr. H. Nixon reviewed the Financial Statements for April, 1978. He reported that the \$25,000. advance for the fiscal year 1978/79 had been received from Health and Welfare Canada. The sum of \$5,000. had been placed in a Term Deposit account for 9 months, and a further sum of \$5,000. will be placed in a Term Deposit account for 9 months when the claim for April has been received from Health and Welfare Canada.

2.5 Personnel and Training Committee

No report.

3. DIRECTOR'S REPORT

Mr. Quiggin reviewed the statistical report for the month of April, 1978. After discussion it was agreed that the monthly statistics would include the closed cases for each worker for that month, with a breakdown of time spent with each family member, lawyer and agency, for a total of the time spent on each case.

Mr. Quiggin requested the Board's approval of his idea to explore the possibility of publishing a Conciliation newsletter.

IT WAS MOVED by Mrs. Parry and seconded by Ms. M. Swirsky that the idea of the Conciliation newsletter should be explored. CARRIED.

4. CONFERENCE COMMITTEE - OCTOBER CONFERENCE

Mr. H. Nixon spoke briefly about the general work of the Conference Committee. Mr. B. Davidovitz reported on the detail of the Conference Programme.

Members of the Board were unanimous in their view that the Sunday morning sessions should be reconsidered.

The Board Chairman asked the permission of the members to approach the Hon. Roy McMurtry to have him address the Conference. GRANTED.

It was agreed that the Conference Committee would get together and consider the Program suggestions of the Board members. A further report would be put before the Board.

5. ADJOURNMENT

The meeting adjourned at 6:00 p.m.

NEXT MEETING

Wednesday, June 14, 1978  
Ministry of the Attorney General  
Board Room, 18th Floor  
18 King Street East  
Toronto





received, a complete copy of the final draft of the 2nd Annual Progress Report will be sent to all Board members for discussion at the May 11 Board Meeting.

## 2.2 Research Committee

Peter Bohm reported that the base line data is now complete. A total of 80% has been achieved on follow-up data. The committee is awaiting the analysis of the first study before finalizing the instruments for Study II. It is hoped to commence Study II on May 15, 1978.

## 2.3 Community Relations Committee

Copies of the two brochures were distributed to the Board. It was decided that copies should be sent to: members of the Family Law Section of the Law Society, Metro Toronto; Community Agencies; Legal Aid and the Official Guardian.

## 2.4 Accounting Committee

Mr. H. Nixon reviewed Financial Statements for March noting that at the end of the 1977/78 fiscal year we had spent all but \$165.00 of our Federal Health budget. Our request for 1978/79 in the amount of \$102,492.00 has been accepted by Federal Health.

## 2.5 Personnel and Training Committee

It was noted that Ms E. McGinty would be leaving her position as Administrative Assistant with the Conciliation Project as of April 28, 1978. Mrs. Bernice Scott has accepted the position and an overlap of one week to orient Mrs. Scott, was approved by the Board.

It was also noted that the Conciliation Counsellors have now been trained in the New Family Law Act.

## 3. DIRECTOR'S REPORT

Mr. Quiggin gave a brief outline of the Project's administrative systems and commencing next month, a monthly statistical analysis will be kept.

A topic re: 'Representation of Children' was suggested as the topic for the next Board seminar and a date of mid September was agreed upon. A decision will be made on the topic at the next meeting.

## 4. REPORT OF THE CONFERENCE COMMITTEE

Senior Judge Beaulieu reported on the Conference Committee. It will be held at the Prince Hotel from October 27 - 29.

IT WAS MOVED by Judge Main and seconded by Elliot Larman that existing Project letterhead should be used for all correspondence



relating to the Conference and that the letterhead should have the name of the Conference printed on it.

CARRIED.

The Board gave approval for Mr. S. W. Davidovitz, on behalf of the Conference Committee, to send out a letter to all Board members asking for their support, comments and suggestions regarding the Fall Conference.

DATE OF NEXT MEETING:

MAY 11, 1978 at 3.00 P.M.

PLACE: 18th Floor, Ministry of the Attorney  
General, Board Room,  
18 King Street East, Toronto



## PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 311 Jarvis Street,  
March 1, 1978 at 4:00 p.m. in Courtroom I.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Senior Judge L.A. Beaulieu - Provincial Court (Fam.Div.)  
Mrs. B. Clements - Children's Aid Society  
Mr. B. Falls - Family Services Association  
Mr. E. Larman - Jewish Family & Child Services  
His Honour Judge D.R. Main - Provincial Court (Fam.Div.)  
Mr. H. Nixon - Accountant  
Madame Commissioner Speigel - The Supreme Court of Ontario  
Ms. M. Swirsky - Family Court Clinic  
Mr. A. Sherlock - Catholic Children's Aid Soc.of Tor.  
Mrs. Karen M. Weiler - Counsel, Policy Development Div.

EX OFFICIO:  
Mr. T. M. Quiggin - Conciliation Project

PROJECT STAFF:  
Mrs. P. Fenton - Conciliation Counsellor  
Mrs. R. Cohn-Davidson - " "  
Mr. S. W. Davidovitz - " "

REGRETS:  
Mrs. F. Pendrith - Social Services Division  
His Honour Judge E.F. Wren - Judicial District of York  
Mr. John R. R. Jennings Q.C. - Barrister & Solicitor  
Mr. R. Klassen - Barrister & Solicitor  
Mr. F. Turville, Q.C. - Senior Counsel, Legal Aid  
Dr. H. Irving - Faculty of Social Work U of T

### 1. MINUTES

IT WAS MOVED by Madame Commissioner Speigel and seconded by His Honour Judge D.R. Main that the minutes of the meeting held February 1st be approved as recorded.

CARRIED

### 2. BUSINESS ARISING FROM MINUTES

#### 2.1 Draft Brochures

The brochure to be handed to social agencies and lawyers was discussed. It was decided to make the following change:

2nd paragraph: last sentence should read  
"..... upon which agreement has been reached  
and those issues upon which agreement could  
not be reached".





IT WAS MOVED by Judge D. R. Main and seconded by Mr. A. Sherlock that the brochure be approved as amended.

CARRIED

The brochure to be handed to clients of the Supreme Court and the Provincial Court was discussed.

IT WAS MOVED by Judge D. R. Main and seconded by Ms M. Swirsky that the brochure be approved provided that the following change be made:

5th para., last sentence: "..... upon which agreement has been reached and those issues upon which agreement could not be reached."

IT WAS ALSO MOVED by Mr. B. Falls and seconded by Judge D. R. Main that an amendment to the motion be made to include the following change:

2nd para., last question: "..... and we want to try to deal with the problems ....."

CARRIED

Approval was given by the Board to Mr. Quiggin and Professor D. Mendes da Costa for the publishing and distributing of the two brochures. Copies of the printed brochure will be circulated to Board members.

### 3. COMMITTEE REPORTS

#### 3.1 Accounting Committee

Judge D. R. Main reviewed the financial statements for January noting that approval had been received from Federal Health for the \$2,000.00 to be added to the 1977/78 budget.

### 4. DIRECTOR'S REPORT

Mr. T. M. Quiggin reported that the Progress Report is in its final form and will be going before the Executive Committee for approval during the next week or so. A brief outline was presented of a statistical analysis carried out on 100 cases, primarily referred to the Project by Family Court Judges.

### 5. OTHER BUSINESS

The Board requested that Senior Judge Beaulieu on behalf of the Board, should give some thought to the fact that the Project will come to an end September of 1979 and what role should the Board be taking for the future of Conciliation services etc.

### DATE OF NEXT MEETING

The date of the next meeting will be:

WEDNESDAY, 5TH APRIL, 1978

at

3.00 P.M.

The Board Room, 18th Floor, 18 King Street East





## PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 311 Jarvis Street,  
February 1, 1978 at 3:00 p.m.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mrs. Ruth Parry - Vice-Chairman  
Mr. H. Nixon - Accountant  
Chief Judge H.T.G. Andrews - Provincial Court (Fam.Div.)  
Senior Judge L.A. Beaulieu - Provincial Court (Fam.Div.)  
Master A. Davidson, Q.C. - Master, Supreme Court  
Mr. B. Falls - Family Services Association  
His Honour Judge D.R. Main - Provincial Court (Fam.Div.)  
Mrs. J. Rowney - Income Security Secretariat  
Mrs. F. Pendrith - Social Services Division  
Mr. A. Sherlock - Cath. Children's Aid Society of Tor.  
Ms. M. Swirsky - Family Court Clinic  
His Honour Judge E.F. Wren - County Crt., Judicial Distr. York

EX OFFICIO:  
Dr. H. Irving - Faculty of Social Work, U of T.,  
Mrs. J. Kelly - Provincial Court (Fam.Div.)  
Mr. T.M. Quiggin - Conciliation Project

PROJECT STAFF:  
Ms. P. Tummon - Conciliation Counsellor  
Mr. S.W. Davidovitz - " "  
Mrs. R. Cohn-Davidson - " "  
Mrs. P. Fenton - " "

RESEARCH STAFF:  
Mr. P. Bohm - Faculty of Social Work U of T

REGRETS:  
Madame Commissioner G. Speigel - The Supreme Court of Ontario  
Mr. R. Klassen - Barrister & Solicitor

A request to change the order of the Agenda was granted.

### 1. REPORT OF THE RESEARCH COMMITTEE

A Progress Report of the Research to date was distributed to the Board. This will be included in the 2nd Annual Progress Report to be submitted to Federal Health & Welfare.

Professor Mendes da Costa read out a letter received from Mr. R. Hart requesting that an additional \$5,000.00 be included in the research contingent of the budget to allow a system's analysis of the various Conciliation Projects across Ontario to be conducted under the direction of Dr. H. Irving. The Research Committee will act as Co-ordinator and Advisory body.

IT WAS MOVED by Mrs. J. Rowney and seconded by Senior Judge L.A. Beaulieu that the Board undertake the responsibility of further research to be carried out under the direction of Dr. H. Irving as contained in Mr. R. Hart's letter of January 30th. An additional \$5,000.00 is requested and it is noted that the report must be submitted to Health & Welfare by the end of August 1978.

CARRIED



IT WAS MOVED by Mrs. J. Rowney and seconded by Ms. M. Swirsky that Ms. P. Tummon, staff member, be added to the Research Committee.

CARRIED

Dr. H. Irving mentioned that he had been invited to talk to the Faculty of Social Work regarding the Project and Research to date. Two suggestions were made i.e.:

- 1) Instead of referring to the Research as Phase I and Phase II it might be less confusing to refer to it as two separate studies (a) experimental design; (b) exploratory study; and
- 2) when the exploratory study begins, take selectively 25 cases each from 4 different sources - Lawyers, the Community, Family Court and Supreme Court.

IT WAS MOVED by Mr. H. Nixon and seconded by Mrs. R. Parry that the minutes of the meeting held January 11, 1978 be approved as recorded.

CARRIED

## 2. BUSINESS ARISING FROM MINUTES

The Committee Preference Questionnaire was circulated and replies were received. A new list is being prepared and will be mailed to all Board Members.

### 2.1 Approval of 1978/79 Budget Application to Federal Health and the Ministry of the Attorney General

Mr. H. Nixon reviewed the Budget noting that additional sums of \$5,000.00 for research and \$7,700.00 for the Fall Conference should be included in the final budget submission. Therefore, the total amount being requested from Federal Health is \$102,492.00.

The value of staff and facilities provided by the Ministry of the Attorney General on an overall basis is reduced by \$1,928.00 due to the fact that the seconded senior part-time counsellor has less time to give to the Project.

IT WAS MOVED by Mr. H. Nixon and seconded by Master Davidson that approval be given to the 1978-79 budget.

CARRIED

## 3. COMMITTEE REPORTS

### 3.1 Report of the Executive Committee



### 3.1.1 Recommendation re: use of audiotapes

IT WAS MOVED by Mr. H. Nixon and seconded by Mrs. Ruth Parry that the recommendation to use tapes be adopted as follows:

"The Executive Committee recommends that the Board approve the audiotapes of appropriate client interviews for teaching purposes. No audiotaping will occur without both parties signing the Consent Form attached hereto. The method by which the audiotapes will be maintained is also attached."

CARRIED

A change in item 4 to read "..... only," was noted.

It was also noted that those cases being selected for research will not be taped.

The Amendments to the Consent Form which clients and counsellor will sign are as follows:

1. If at any given time clients withdraw their consent to tape, the form will be annotated "Consent withdrawn, with the date" and appropriate tapes will be immediately erased.
2. The 'witness provision' will be deleted from the form.
3. Mr. T.M. Quiggin will work out a procedure for erasing the tapes.

### 3.1.2 Membership Procedure for Board Membership

IT WAS MOVED by Mr. H. Nixon and seconded by Chief Judge Andrews that the Board approve the procedure for membership to the Board (previously circulated).

CARRIED

### 3.1.3 Extending Conciliation Services to Scarborough Court

Professor Mendes da Costa referred to a recommendation by the Executive Committee in December of '76 when it was stated that it was inappropriate at that time to receive referrals.

Senior Judge L.A. Beaulieu requested that the Board review the issue of satellite court referrals again.

IT WAS MOVED by Chief Judge Andrews and seconded by Senior Judge L.A. Beaulieu that the Conciliation Project be made available to Scarborough Court for the purpose of Court referrals.

CARRIED.

### 3.2 Community Relations Committee

The 'proofs' of the brochures were distributed for Board discussion and approval.





After much discussion it was decided to add to the brochure being handed to lawyers and social agencies the following paragraph:

"Conciliation is a process by which families are helped to identify and clarify the issues between them and are assisted in making agreement on some or all of those issues especially, but not limited to, disputes over custody and access to children. The parties must agree that all discussions and negotiations will remain confidential. Upon their consent, the Conciliation Consellor will report to the Court as to the issues upon which agreement has been reached and those which could not be reached".

Concerning the brochure to be handed to clients the following changes were made:

1. WHAT IS CONCILIATION?

Insert the above stated paragraph, "Conciliation is a process etc.", but change the word 'parties' to 'families'

2. Change the second paragraph to read:

"WHAT KIND OF QUESTIONS MAY I RAISE DURING CONCILIATION":

The following are examples of questions which are raised during Conciliation:

- . what happens about custody of the children?
- . what do I do about support payments?
- . what happens to family assets and debts?

The word 'were' in the question: "If there is a possibility of reconciliation ..... should be changed to 'are'.

Regarding a third brochure for use at the Supreme Court it was felt that the present two brochures should also be used at the Supreme Court.

### 3.3 Accounting Committee

Mr. Nixon reviewed January's financial statements. Regarding the attendance of staff at the Vancouver Conference in May it was agreed that funding for Mrs. J. Kelly should be applied for through the Ministry of the Attorney General. A provision for federally funded staff to attend the Conference has been made in the 1978/79 budget.

IT WAS MOVED by Mr. H. Nixon and seconded by Mrs. Ruth Parry that the financial statements for January should be approved as recorded.  
CARRIED.





4. OTHER BUSINESS

IT WAS MOVED by Judge D. Main and seconded by Mrs. R. Parry that members of the Bench of Family Court, 311 Jarvis Street be invited to attend our first Board Seminar. Courtroom I will be used for this event and Senior Judge Beaulieu will be responsible for refreshments between 5.30 p.m. and 6.30 p.m.

CARRIED.

5. REPORT OF THE CONFERENCE COMMITTEE

The report of the Conference Committee was circulated and reviewed by Senior Judge L. A. Beaulieu.

It was decided that the location for the Fall Conference will be the Prince Hotel, Don Mills, Ontario.

IT WAS MOVED by Senior Judge Beaulieu and seconded by Mrs. Ruth Parry that a letter inviting Board participation and informing the Board of the Conference plans to date, be sent to all members. Comments and suggestions should be forwarded to the Conciliation Project.

CARRIED.

This letter will only be sent when approval for funding such a Conference is received by the Board.

A letter to be sent to all Project Directors involved in Conciliation across Ontario was reviewed and approved and, again, this will only be sent when we have received confirmation of Mr. Robert Hart that the advance of \$500 previously requested, has been approved.

DATE OF NEXT MEETING

The date of the next meeting will be:

WEDNESDAY, MARCH 1, 1978

at

4.00 p.m.

in the

Library, 2nd Floor, 311 Jarvis Street, Toronto



## PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 18 King Street East,  
January 11, 1978 at 3:00 p.m.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mrs. Ruth Parry - Vice-Chairman  
Mr. H. Nixon - Accountant  
His Honour Judge L.A. Beaulieu - Provincial Court (Family Division)  
Mr. W.R. Donkin, Q.C. - Legal Aid, Area Director  
Mr. R. Klassen - Barrister and Solicitor  
His Honour Judge D.R. Main - Provincial Court (Family Division)  
Mrs. J. Rowney - Income Security Secretariat  
Mr. A. Sherlock - Cath. Children's Aid Society of Tor.  
Ms. M. Swirsky - Family Court Clinic  
Madame Commissioner Spiegel - The Supreme Court of Ontario  
Mrs. Karen M. Weiler - Counsel, Policy Development Div.

### EX OFFICIO:

Mrs. J. Kelly - Provincial Court (Family Division)  
Dr. H. Irving - Faculty of Social Work, U of T  
Mr. T.M. Quiggin - Conciliation Project

### PROJECT STAFF:

Mr. S. W. Davidovitz - Conciliation Counsellor  
Miss P. Tummon - " "  
Mrs. R. Cohn-Davidson - " "  
Mrs. P. Fenton - " "

### RESEARCH STAFF:

Mr. P. Bohm - Faculty of Social Work u of T

### GUEST:

Mr. R. Hart

### REGRETS:

Mr. B. Falls - Family Services Association  
Mr. L.W. Perry, Q.C. - Official Guardian  
Mr. E. Larman - Jewish Family & Child Services  
Mr. John R. R. Jennings Q.C. - Barrister & Solicitor  
Dr. R. Baetz - Parliamentary Assistant Att. General  
Master A. Davidson, Q.C. - Master, Supreme Court

## 1. MINUTES

IT WAS MOVED by Mrs. K. Weiler and seconded by Mr. H. Nixon that the minutes of the meeting held on December 1, 1977 be approved as recorded

CARRIED

## 2. BUSINESS ARISING FROM MINUTES

### 2.1 Procedure for Nominations to the Board

A meeting of existing Committee Chairmen was held and this issue is not yet resolved. This Committee will meet again and will report at the next Board Meeting.



### 2.1.2 Committee Membership

Copies of the "Committee Preference Questionnaire" were circulated to the Board. Members not present are to be sent a copy. As soon as this questionnaire is completed it should be returned to the Conciliation Project in time for recommendations to be presented at the next Board Meeting.

### 2.2 General Information Sheet to be circulated to Agencies

IT WAS MOVED by Mrs. K. Weiler and seconded by Judge D. R. Main that this document be approved by the Board with the following changes:

second paragraph should read:

"At the present time, clients can be referred to the Conciliation Project by the Supreme Court of Ontario, the County Court, the Surrogate Court and the Provincial Court (Family Division). As of February 1, 1978, the Conciliation Project will commence to accept referrals from lawyers and social agencies."

3rd paragraph, 2nd sentence should read:

"..... on the issues that they bring to a court for resolution."

4th para. 2nd sent. should read,

"Counsellors work with clients and their lawyers to minimize the bitterness that can evolve from a family dispute".

5th para. 3rd sent. should read:

"Cases may, at the discretion of the Court, be adjourned for approximately one month, or for a shorter or longer period ...."

CARRIED

This document is to be distributed via the Family Law Section of the Canadian Bar Association and Social Agencies.

### 2.3 Report of the Conference Committee

Judge Beaulieu reviewed this report which was circulated to the Board.

IT WAS MOVED by Judge Beaulieu and seconded by Judge Main that adoption of the report be given in principle and that the Conference budget should be included in the overall Budget application for 1978/79.

CARRIED

It was noted that an advance of \$500 should be applied for in order to continue the planning of the Conference. Mr. R. Hart recommended that any firm plans for conference content be delayed until after the May Conference of the American Association of Conciliation Court.

## 3. COMMITTEE REPORTS

### 3.1 Exécutive Committee

It was noted that the Project is now receiving referrals from the Supreme





Court and that this Committee had met with Judges of the County Court to discuss Conciliation services and referrals.

The second draft of the Progress Report was distributed to the Board. The Executive Committee will meet January 23rd to review the second draft of the second annual Progress Report.

IT WAS MOVED by Karen Weiler and seconded by Judge Beaulieu that:

- 1) the report be received at this stage and comments re. the report should be sent to the project office no later than January 23rd;
- 2) complete power be given to the Executive Committee for approval of the final report which will be submitted to Federal Health without coming back to the Board.

CARRIED

The point was raised that since most practical matters presented for Board consideration, were time consuming; philosophical issues relating to Conciliation were not being considered. Time should be devoted specifically for such purposes.

IT WAS MOVED by Mr. H. Nixon and seconded by Judge D. R. Main that a special Board meeting be called for March 1st. Business matters will be dealt with from 4 - 5.30 p.m. The meeting will re-commence at 6.00 p.m. when the Conciliation process and related issues will be discussed.

CARRIED.

### 3.2 Research Committee

The Research objectives for Phase II were circulated and reviewed by Janet Rowney. It is hoped to begin Phase II in March of '78. It was noted that all questionnaires for Phase II will have attached to them a slip stating that these questionnaires are being conducted for statistical purposes only, that the anonymity of the client will be ensured and that a copy of the final report could be made available if the client so desired.

IT WAS MOVED by Ms. Rowney and seconded by Mrs. Speigel that;

- 1) acceptance be given to the said distributed research objectives for Phase II;
- 2) that the Research Committee take a look at the actual case load coming into the Project in terms of meeting their requirements. If the Committee foresees any problems it will report back to the Board.

CARRIED.

IT WAS MOVED by Ms. J. Rowney and seconded by Judge Beaulieu that power be given to the Research Committee to proceed with the implementation of Phase II and report to the Board on its progress for information purposes only.

CARRIED





## 2.4 Accounting Committee

Mr. H. Nixon reviewed December's financial statements noting that in order to complete Phase I of the Research, an additional \$1,500 is required. The matter of computer time given by the Attorney General should also be confirmed for Phase II.

IT WAS MOVED by Ms. J. Rowney and seconded by Mr. A. Sherlock that we should apply to Federal Health for an additional \$1,500 in order to complete Phase I of the Research and print the questionnaires relative to Phase II.

CARRIED.

It was noted that the 1978/79 Budget proposal distributed to the Board was for perusal only, to be fully discussed at the February Board Meeting.

## 4. DIRECTOR'S REPORT

Attention was drawn to the draft hand-out, circulated to the Board, which will be given to clients referred by the County Court and Supreme Court.

IT WAS MOVED by Judge Beaulieu and seconded by Mr. Nixon that this handout be adopted for clients using the Supreme Court and County Court with the following changes:

4th para. second sent. should read;

".....minimize the bitterness which can evolve out of the family dispute".

5th para. first sent. should read;

"At the discretion of the courts, your case may be adjourned ....."

5th para. second sent. should read;

"The Conciliation Counsellor reports to the court ....."

AN AMENDMENT TO THE MOTION was moved by Mr. Donking and seconded by Judge Beaulieu that the sentence, "Conciliation services are available at no cost to you through the Provincial Court (Family Division) Conciliation Project which is a project of the Ministry of the Attorney General and Welfare Grants Directorate of the Ministry of the Health and Welfare Canada" should be included.

AMENDMENT WITHDRAWN.

Second Amendment: Remove Paragraph 3 and substitute the following:

"The Conciliation Project of the Provincial Court (Family Division) 311 Jarvis Street, Toronto is a demonstration project funded by the Ministry of the Attorney General of the Province of Ontario and the Welfare Grants Directorate of the Ministry of Health and Welfare of the Government of Canada. Conciliation Services are available at not cost to you.

CARRIED.



5. OTHER BUSINESS

Concern was raised over the issue of tape-recording client interviews for student learning purposes.

IT WAS MOVED by Judge Main and seconded by Mr. Donkin that the Executive Committee should look into the matter and report at the next meeting.

DATE OF NEXT MEETING:

WEDNESDAY FEBRUARY 1, 1978 AT 3.00 P.M.

in the

STAFF LOUNGE (BASEMENT)

311 Jarvis Street.



PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 311 Jarvis Street,  
December 1, 1977 at 5.00 p.m.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mr. H. Nixon - Accountant  
His Honour Judge L.A. Beaulieu - Provincial Court (Fam.Div.)  
Mr. B. Falls - Family Services Association  
Mr. John R. R. Jennings, Q.C. - Barrister & Solicitor  
Mr. E. Larman - Jewish Family & Chd. Services  
His Honour Judge D.A. Main - Provincial Court (Fam.Div.)  
Mrs. F. Pendrith - Social Services Division  
Madame Commissioner Spiegel - The Supreme Court of Ontario

EX OFFICIO:  
Dr. H. Irving - Faculty of Social Work, U of T,  
Mrs. J. Kelly - Provincial Court (Fam.Div.)  
Mr. T.M. Quiggin - Conciliation Project

GUESTS: Mr. F. Turville and Mr. R. Hart

PROJECT STAFF:  
Ms. P. Tummon - Conciliation Counsellor  
Mrs. P. Fenton - " "

RESEARCH STAFF:  
Mr. P. Bohm - Faculty of Social Work U of T

REGRETS: Mrs. Ruth Parry - Vice-Chairman  
Ms. M. Swirsky - Family Court Clinic  
Mr. R. Klassen - Barrister & Solicitor  
Dr. R. Baetz - Parliamentary Assistant Att. General  
Mr. A. Sherlock - Cath. Children's Aid Society of Tor  
Mrs. J. Rowney - Income Security Secretariat

1. MINUTES

IT WAS MOVED by Judge D. Main and seconded by Mr. E. Larman that the minutes of November 3rd be approved as recorded.

CARRIED

2. BUSINESS ARISING FROM MINUTES

2.1 Report of the Committee on Board Composition

IT WAS MOVED by Judge Main and seconded by Mr. E. Larman that a change in Committee Membership be made replacing Ms. Janet Rowney with Mrs. F. Pendrith.

CARRIED

Judge Main presented the report prepared by himself, Mrs. Pendrith and Mrs. Weiler.



Eight recommendations were submitted and voted on in the following order:

IT WAS MOVED by Judge Main and seconded by Mr. Larman that recommendation No. 2 be adopted as follows:

"the composition of committees should be re-examined and where advisable members rotated between committees in some fashion so as to make the most effective use of the skills of all members of the Board. Any new Board members not on committees should be assigned."

CARRIED

IT WAS MOVED by Judge Main and seconded by Mr. E. Larman that the recommendation No. 3 be adopted as follows:

"When a member resigns he or she should be invited to place before the Board a nomination or nominations for his or her replacement. The Board as a whole should as well be invited to put forward nominations."

CARRIED

IT WAS MOVED by Judge Main and seconded by Mrs. Pendrith that recommendation No. 4 be adopted as follows:

"A new committee should be struck for the purpose of screening nominations for Board membership and reporting to the Board. The members of this new committee should be comprised of the Chairman of each of the standing committees."

CARRIED

IT WAS MOVED by Judge Main and seconded by Mr. Nixon that recommendation No. 5 be adopted as follows:

"The Accomodation Committee should be dissolved and the members of that committee shifted to other committees where their talents may be put to good use. If the need arises in the future, this committee should be re-struck, either on the same or changed basis to handle the accomodation issue then before the Board".

CARRIED

IT WAS MOVED by Judge Main and seconded by Mr. Larman that recommendation No. 6 be adopted as follows:

"Each standing committee should review its role, operation and membership and report to the Board on those issues."

CARRIED





IT WAS MOVED by Judge Main and seconded by Mr. Nixon that recommendation No. 7 be adopted as follows:

"Whenever a committee is considering a matter, it's report or recommendation should be forwarded in writing to the secretary of the Board prior to the next meeting, in sufficient time for distribution with the agenda. The purpose of such a distribution would be to allow the Board members to consider the report in advance of the meeting and so be better prepared to discuss same."

CARRIED

IT WAS MOVED by Judge Main and seconded by Mrs. Pendrith that recommendation No. 8 be adopted as follows:

"No formal Board Constitution is required at this time.:

CARRIED

Regarding a vehicle for the composition and the mechanics of implementing recommendation No. 2.

IT WAS MOVED by Mr. Nixon and seconded by Senior Judge Beaulieu that a Committee comprising of existing Committee Chairmen be established to carry out recommendation No. 2.

CARRIED

A letter will be sent to all Board members informing them of recommendation No. 2.

One issue that will be looked into by this new Committee will be at the size of the Executive Committee and of other Committees.

IT WAS MOVED by Judge Main and seconded by Mrs. Pendrith that recommendation No. 1 will be adopted as follows:

"The Board as presently constituted is large enough and broad enough in its representative membership to accomplish its tasks. For the moment, Board membership should not be increased unless for a specific functional reason. Any member resigning should be replaced."

It was noted that this recommendation will not be self confining and that if the need arises for someone with a certain expertise in a particular area he/she could be considered for Board membership.

CARRIED

Concerning Recommendation No. 4 it was decided that a nominations Committee be struck comprising of existing Committee Chairmen. This Committee will devise a scheme for electing new Board members bearing in mind that any Board member may make a nomination for new Board membership to this Committee. A report regarding procedure for nominations will be presented at the next Board Meeting.



2.2 Professor Mendes da Costa has replied on behalf of the Board thanking Ms. Bonnie Maikawa for the organization and hospitality at the Kingston project.

### 3. COMMITTEE REPORTS

#### 3.1 Executive Committee

Dr.O.J. Coogler, Founder of the Mediation Centre, Atlanta, Georgia met with Conciliation Project staff and others at the Family Court on Sunday 20th November and talked about his work at the Mediation Centre.

Professor Mendes da Costa has received an article by Professor F. Sander, Harvard Law School on the mechanics of mediation, which will be circulated to all Board members.

#### 3.2 Research Committee

Following a meeting with Mr. Roy Wilkinson, Management Information System of the Ministry of the Attorney General on November 24 confirmation of the Ministry's assistance regarding computer time and services was given (see attached correspondence).

Ms. Janet Rowney will be reporting at the next meeting regarding Phase II.

"Court time tracers" have been inserted in all court files where a research interview has been conducted. Senior Judge Beaulieu will look into the matter of access to these files for purposes of statistics.

#### 3.3 Community Relations Committee

Mr. Frank Turville distributed to the Board copies of letters suggesting conciliation services that could be sent to clients when both parties are acting under Legal Aid Certificates.

IT WAS MOVED by Senior Judge Beaulieu and seconded by Judge Main that a paragraph be included in this letter and should read:

"Alternatively, you might wish to consider utilizing the services of the Provincial Court (Family Division) Conciliation Project now available without charge, in resolving these issues. If so, I suggest you call Mr. T. Michael Quiggin, Director at 923-7781. This Project is particularly useful in situations where custody and/or access are in dispute."

CARRIED

The general information sheet which this Committee suggested sending to agencies was circulated to the Board and Judge Main gave notice of motion for this matter to be introduced at the next meeting.



The yellow form describing conciliation services which is being handed to clients at the time of their court appearance was circulated. Amendments to this form are as follows:

2nd paragraph, 2nd line - "Bring" should be  
in block capitals,

4th paragraph, 2nd line - "Do not give Legal Advice"  
should be in block  
capitals

IT WAS MOVED by Mr. E. Larman and seconded by Senior Judge Beaulieu that approval in principle be given to the concept of holding a workshop concerning "participation of children in the Separation Process", and to report back to the Board with a programme.

CARRIED

#### 3.4 Accounting Committee

It was moved by Mr. Nixon and seconded by Senior Judge Beaulieu that November's financial statements be approved as recorded and presented to the Board.

CARRIED

#### 4. OTHER BUSINESS

Mr. Robert Hart outlined the Directorate's wishes that a Conciliation Conference be held in the Fall of 1978.

It was noted also that Toronto project could be used as the funding mechanism for such a conference and that a separate budgetary item under the heading of Conference should be included in our 1978/79 application for funding.

IT WAS MOVED by Senior Judge Beaulieu and seconded by Madame Commissioner Spiegel that approval be given in principle to the idea of such a Conference and that a report regarding figures be submitted at the next meeting.

CARRIED

A Committee comprising of Senior Judge Beaulieu, Mr. B. Falls, Mr. H. Nixon and a project staff member will prepare such a report for the next meeting.

#### DATE OF NEXT MEETING

Date: Wednesday, January 11, 1978  
Time: 3:00 p.m.  
Place: 18th Floor, 18 King Street East.



PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board Meeting held at 18 King Street East,  
November 3, 1977.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mrs. Ruth Parry - Vice-Chairman  
Chief Judge H.T.G. Andrews - Provincial Court (Fam.Div.)  
His Honour Judge L.A. Beaulieu - Provincial Court (Fam.Div.)  
Master A. Davidson, Q.C. - Master, Supreme Court  
Mr. W. Donkin, Q.C. - Legal Aid, Area Director  
Mr. B. Falls - Family Services Association  
Mr. John R.R. Jennings, Q.C. - Barrister & Solicitor  
Mr. R. Klassen - Barrister & Solicitor  
Mr. E. Larman - Jewish Family & Chd. Services  
His Honour Judge D. R. Main - Provincial Court (Fam. Div.)  
Mrs. F. Pendrith - Social Services Division  
Mr. L. W. Perry Q.C. - Official Guardian  
Ms. Janet Rowney - Income Security Secretariat  
Mr. A. Sherlock - Catholic Children's Aid Society  
Madame Commissioner Spiegel - The Supreme Court of Ontario  
Ms. Marlene Swirsky - Family Court Clinic  
Ms. K. Weiler - Counsel, Policy Development Div.  
His Honour Judge E. F. Wren - County Crt., Judicial Distr. York

EX OFICIO:

Mr. T. M. Quiggin - Conciliation Project  
Mrs. J. Kelly - Provincial Court (Fam. Division)

RESEARCH STAFF:

Mr. P. Bohm - Faculty of Social Work U. of T.

REGRETS: Mr. H. Nixon

- Accountant

On behalf of the Board of Directors, Professor Mendes da Costa welcomed Mr. Barry Falls, Family Service Association representative and Madame Commissioner Spiegel of the Supreme Court of Ontario, to the Board. Dr. R. Baetz was also welcomed in his absence.

1. MINUTES

IT WAS MOVED by Mr. J. Jennings and seconded by Judge D. R. Main that the minutes of October 5, 1977 be approved as recorded.

CARRIED

2. BUSINESS ARISING FROM MINUTES

2.1 Client Advisory Committee

Mr. Quiggin requested that this matter be deferred pending further consideration of the type of feedback desirable for the project.

.... /2







### 3. COMMITTEE REPORTS

#### 3.1. Executive Committee

##### 3.1.1 Procedure for addition of new Board members.

The Executive Committee discussed the following procedures for additional Board members.

i) Strike a separate committee to which any Board member could present their nominee; the committee then reporting to a Board meeting or;

ii) Discussing at a Board meeting any person who is perceived to be a possible new member, and, if found suitable, invite member to join the Board at the next Board meeting.

It was moved by Mr. R. Klassen and seconded by Judge Main that any substitution or addition of a new Board member could be brought to a Board meeting for full discussion.

MOTION FAILED

It was moved by Ms. Karen Weiler and seconded by Judge E.F. Wren that the size of the Board remain at its current number and new members be added to the Board when a vacancy occurs.

NOT CARRIED - MOTION FAILED

Chief Judge Andrews moved and Mr. Jennings seconded that a committee be struck, comprising of: Judge Main, Mrs. K. Weiler, and Ms. Janet Rowney to study the question of a Constitution for the Board of Directors, in all respects, and to prepare recommendations and report back to the next Board meeting.

CARRIED

##### 3.1.2 Correspondence between Karen Weiler and the Ontario Association of Family Service Agencies.

Ms. Weiler outlined the background relating to this correspondence which was previously circulated to the Board concerning privileged communication. The Association is seeking support from this Board in their attempt to seek legislation concerning the issue of privileged communication. It was decided that Professor Mendes da Costa will reply to the Ontario Association of Family Service Agencies to the effect that although this Board has given real consideration to this issue, and in view of Mr. Justice Grant's decision the Board feels that at this stage it does not want to join in any submission to the Attorney General.

##### 3.1.3 Computer facilities

It was noted that Mr. Wilkinson, Senior Financial Advisor, Finance & Services Branch of the Ministry of the Attorney General replied to our request for computer facilities stating that it



would cost approximately \$2,000.00. The Research committee will discuss with Mr. Wilkins, implementation of this service and whether or not the Ministry is prepared to absorb the cost.

### 3.2 Report of the Research Committee

A proposal for setting up a research project for collecting a sub-sample of questionnaires at a satellite court is being developed and will be circulated to the Board in the near future. Phase I is complete with a total of 239 questionnaires, 50% of the follow-up questionnaires have been completed and the code-books for the collection of base line data has also been completed. Feedback pertaining to the profile of clientele will be available by February 1978.

### 3.3 Community Relations Committee

The Board considered a proposal by this Committee to i) delay printing of the present brochure and, ii) proceed with the printing of a one page sheet describing the Conciliation service which will be handed to clients being referred from court.

It was moved by Mr. W. Donkin and seconded by Mrs. R. Parry that a brochure for the general public will not be published at this time.

CARRIED

Pursuant to the motion, it was also moved by Mr. Donkin and seconded by Judge Main that the matter of preparing an appropriate brochure to increase the Legal Professions' and Community Services' awareness of our project be referred back to the Community Relations Committee.

CARRIED

The Access Committee is considering the possibility of publishing a pamphlet containing relative information to single parents and their children. It was noted that no publication will be carried out without prior Board consideration.

## 4. DIRECTOR'S REPORT

The Interim Project Report, already circulated to the Board, will go through two more revisions before being submitted to Federal Health & Welfare and Board members were asked to contact Mr. M. Quiggin regarding any changes, and recommendations.

The conference of Ontario Conciliation Courts held in Kingston had been well attended by judges, lawyers and social workers. The Frontenac Family Referral Services has accepted the responsibility of acting as a "Clearing-House" into which projects can feed information, enquiries etc. and from which projects can obtain the same.



Professor Mendes da Costa will be writing to Mrs. Bonnie Maikawa commending her for such a well organized conference and her hospitality.

DATE OF NEXT MEETING

Thursday, December 1, 1977 at 3.00 p.m.  
in the  
Staff lounge (south end of basement),  
Family Court,  
311 Jarvis Street

E. McGinty,  
10.11.1977



## PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board of Directors Meeting Held October 5, 1977.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mrs. Ruth Parry - Vice-Chairman  
Mr. H. Nixon - Accountant  
Chief Judge H.T.G. Andrews - Provincial Court (Family Division)  
Mrs. B. Clements - Children's Aid Soc., Metro Toronto  
His Honour Judge L.A. Beaulieu - Provincial Court, Family Division  
Mr. W. Donkin, Q.C. - Legal Aid, Area Director  
Mr. R. Klassen - Barrister & Solicitor  
His Honour Judge D. R. Main - Provincial Crt., Fam. Division  
Mrs. F. Pendrith - Social Services Division  
Ms. J. Rowney - Income Security Secretariat  
Mr. A. Sherlock - Catholic Children's Aid Society  
Ms. K. Weiler - Counsel, Policy Devel. Division  
His Honour Judge E.F. Wren - County Crt., Judicial Distr. York

EX OFFICIO: Dr. H. Irving - Faculty of Social Work, U of T.  
Mr. M. Quiggin - Conciliation Project  
Mrs. J. Kelly - Provincial Court, Family Division

GUESTS: Mr. F. Turville, Q.C.

### RESEARCH STAFF:

Mr. P. Bohm

### PROJECT STAFF:

Mr. S. W. Davidovitz  
Ms. P. Tummon  
Mrs. H. Goudge  
Mrs. R. Cohn-Davidson  
Mrs. P. Fenton

## 1. MINUTES

IT WAS MOVED by Mr. H. Nixon and seconded by Mr. Klassen that the minutes of the meeting held on September 9 be approved as recorded.

CARRIED.

## 2. BUSINESS ARISING FROM MINUTES

### 2.1 Draft Brochure

It was noted that the draft brochure; which is a general information brochure is being prepared for Board consideration.

## 3. COMMITTEE REPORTS

### 3.1 Executive Committee

The Executive Committee met with Madame Justice Boland, Madame Commissioner Spiegel and The Honourable Mr. Justice Morand to discuss Supreme Court Referrals to the Conciliation Project. Mr. Quiggin reported







### 3. COMMITTEE REPORTS

#### 3.1 Executive Committee cont'd

that if all details relating to referral procedure can be resolved satisfactorily, Supreme Court Referrals could commence November 1, 1977.

##### 3.1.1 Proposal for two additional Board Members.

It was moved by Mr. Nixon and seconded by Mrs. Parry that Madame Commissioner G. Spiegel and Mr. Rubin Bates Executive Director of Canadian Council on Social Development and Parliamentary Assistant to the Ministry of the Attorney General be invited to become Board Members.

It was recommended that Judge Wren liaise with County Court Judges in order to see whether County Court could use the Conciliation Project at the Pre-trial stage of Court Process.

At this point in the meeting The Honourable Mr. Roy McMurtry was introduced to the Board and spoke about his interest in the Project and requested that he be kept informed as to its progress.

#### 3.4 Accounting Committee

Mr. Nixon presented September's financial statements and commented that the only overspent category is still Research, but this should balance over the next few months.

#### 3.2. Research Committee

The Research Committee has not yet been able to follow up on a motion made at last month's meeting regarding 'proposal 2' for a sub-sample of questionnaires to be conducted at a satellite court.

Dates relating to the various stages for Phase II of the Research Design will be presented at the next meeting.

It was agreed that the Chairman of the Board would write to Mr. D. Thornton, Project Co-ordinator, Central West Court Administration Branch of the Ministry of the Attorney General in an attempt to seek computer time.

### 4. DIRECTOR' REPORT

It was moved by Mrs. Parry and seconded by Mr. Nixon that Mr. Armstrong should be appointed Co-ordinator of the Access Committee which is a sub-committee of the Community Relations Committee.

CARRIED.



The Board agreed that Mr. Quiggin should respond in the affirmative to Ann Silverman's request that he write an article for the Family Law Journal but that he should request to reserve Copyright privileges.

5.

Mr. Quiggin described the various ways by which one receives feedback relating to how clients' view the project and whether the project has been beneficial to clients; met their needs etc.

The Board approved the concept of such a committee and requested that Mike Quiggin prepare for the Board's next meeting a proposal for forming a Client Advisory Committee.

Next meeting will be held at 3 p.m. on THURSDAY, NOVEMBER 3, 1977 at 18 King Street East.

18.10.77



PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

Minutes of Board of Directors Meeting Held 9th September, 1977

PRESENT:	Professor D. Mendes da Costa	Chairman
	Mrs. Ruth Parry	Vice-Chairman
	Mr. H. Nixon	Accountant
	Chief Judge H.T.G. Andrews	Provincial Court (Family Div.)
	Mr. W. Donkin, Q.C.	Area Director, Legal Aid
	Mr. E. Larman	Jewish Family & Child Services
	His Honour Judge D. R. Main	Provincial Court (Family Div.)
	Mrs. F. Pendrith	Social Services Division
	Mr. A. Sherlock	Catholic Children's Aid Soc.
	Ms M. Swirsky	Family Court Clinic
EX OFFICIO:	Dr. H. Irving	Faculty of Social Work, U of T.
	Mr. M. Quiggin	Conciliation Project
GUESTS:	Mr. M. Armstrong	Family Court Clinic
	Mr. P. Bohm	Faculty of Social Work, U of T.
	Mr. Y. Lazor (rep. L. Perry, Q.C.)	Office of the Official Guardian
	Mr. F. Turville, Q.C.	Legal Aid Office
REGRETS:	Mrs. B. Clements	Children's Aid Society
	Master A. Davidson Q.C.	Supreme Court of Ontario
	Mr. R. Hart	Federal Health & Welfare
	Mr. R. Klassen	Barrister and Solicitor
	Ms. J. Rowney	Income Security Secretariat
	Staff Sgt. W. Stanton	Metro. Toronto Police
	His Honour Judge E. Wren	Court House, Judicial District of York.

1. MINUTES

IT WAS MOVED by Mr. H. Nixon and seconded by Mrs. R. Parry that the minutes of June 1 and June 22, 1977 be approved as recorded.

CARRIED.

2. BUSINESS ARISING FROM MINUTES

2.1 Report of the Access Committee

M. Armstrong presented the Access Committee Report which had been previously circulated. He outlined the 6 Recommendations set out in the "Conclusion" of the report.

IT WAS MOVED by Mrs. R. Parry and seconded by Mr. H. Nixon that the Access Committee carry out Recommendations 3 and 1 set out in the "Conclusion" of the report and report back to the Board at its December meeting or earlier if necessary.

CARRIED.

2.2 & 3.4 Report of the Research Committee

H. Irving reported that since the special Board meeting of June 22, the Research committee now recommend the following proposals:

- (1) Six weeks after obtaining desired quota of completed questionnaires for Phase I, obtain an additional 25 husbands who have been through the

.





traditional Intake Service.

- (2) One year following completion of Phase I, complete a small sub-sample with 25 couples; i.e. complete questionnaire on 25 initiating spouses coming to the court and obtain permission from those spouses to interview responding spouses.

Following discussion, noting that husbands were excluded from Phase I of the Research Design and being aware of the necessity to maintain the integrity of the design;

IT WAS MOVED by Chief Judge Andrews and seconded by R. Parry that Proposal 2 be conducted at a satellite court; that the Research Committee prepare such a proposal and report back to the Board prior to the Project's application for funding in the fiscal year 1978/79.

CARRIED.

### 3. COMMITTEE REPORTS

#### 3.1 Community Relations Committee

Consideration was given to the draft brochures and the following changes were noted regarding draft brochure No.1 (general information brochure):

Front panel - delete the words, "Should I tell?" and "How and when do I tell my children that I have a boy(girl)friend".

Questions & Answers

No.2 - Change, depending whether or not we are open to the general public.

No.7 - Delete

No.8 - Amend answer to read, "Maybe ....."

IT WAS MOVED by Ms. Swirsky and seconded by Mr. Nixon that Board members should phone Marlene Swirsky at 924-5431 during the next two weeks indicating amendments and suggested changes. The Community Relations Committee will compile a list of all suggestions and give a report at the next Board Meeting.

CARRIED.

#### 3.2 Personnel and Training Committee

Ruth Parry reported that this committee met with Mike Quiggin and renewed his contract until March 31, 1978. The project has been accepted by the University of Toronto, Faculty of Social Work as a field placement centre for two second year MSW students. This is in accordance with the mandate originally set down for the Conciliation Project.

IT WAS MOVED by Ruth Parry and seconded by Judge Main that funding, in the amount of \$750.00 be approved to allow Project staff to attend a conference of Conciliation Projects being conducted in Ontario; to be held in Kingston 29th and 30th October, 1977.

CARRIED.

IT WAS MOVED by E. Larman and seconded by W. Donkin that Ruth Parry be retained by the Project as staff training consultant for not more than





two sessions per month, until the end of December 1977.

CARRIED.

### 3.3 Accounting Committee

Mr. Nixon outlined the financial statements for August. It was noted that the Research category is overspent to date but it is anticipated that this will balance out toward the end of the present fiscal year.

### 3.6 Executive Committee

Professor Mendes da Costa reported that this committee is scheduled to meet with Madame Justice Boland and other judges of the Supreme Court to discuss the concept of the Project..

## 4. DIRECTOR'S REPORT

It was noted that the two MSW students will be joining the Project as of September 15, 1977. Their supervisors will be Bill Davidovitz and Patti Tummon. Staff member Helen Goudge has undertaken an experiment in working with small groups of clients re. separation adjustment.

## 5. CLIENT ADVISORY COMMITTEE

Deferred until next meeting.

## 6. REFERRALS FROM JUDGES

Chief Judge Andrews raised his concern regarding the lack of business coming into the Project and mentioned the possibility of opening it up to other courts.

Judge Main reported that a 3 month project involving Duty Counsel had been started and Patti Tummon, staff member, is to be available 2 days per week to liaise with duty counsel regarding court referrals to the project. This should increase the number of referrals presently being received.

It was decided that the matter of opening up the project to other courts be deferred to the Executive Committee.

Judge Main also reported that a total of 59 court referrals were made between April 12 and August 31, 1977. It is hoped that as the judges become more familiar with the project and with the commencement of the Duty Counsel project, court referrals should increase.

## DATE OF NEXT MEETING

Wednesday October 5, 1977 at 3.00 p.m.

Due to the fact that the Conference Room at 311 Jarvis is sometimes used as a court-room, it was decided to alternate meetings between 18 King Street East and 311 Jarvis Street. Also it was decided to change meeting time from 3.30 p.m. to 3.00 p.m.

The location of the next meeting will be indicated on the Agenda.

E. McGinty,  
14.9.1977



PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS HELD JUNE 22, 1977

PRESENT:	Professor D. Mendes da Costa, Q.C.	CHAIRMAN
	Mr. H. Nixon	ACCOUNTANT
	Mr. W. Donkin, Q.C.	- Area Director, Legal Aid
	Mr. R. Klassen	- Barrister and Solicitor
	Mr. E. Larman	- Jewish Family & Child Services
	Ms. J. Rowney	- Income Security Secretariat
	Ms. M. Swirsky	- Family Court Clinic
	Ms. K. Weiler	- Counsel, Policy Development Division
EX OFFICIO	Mrs. J. Kelly	- Provincial Court (Family Division)
	Dr. H. Irving	- Faculty of Social Work, U. of T.
	Mr. T. M. Quiggin	- Conciliation Project
GUESTS	Mr. R. Hart	- Federal Health and Welfare
PROJECT STAFF:		
	Ms. P. Tummon	
	Mr. W. Davidovitz	
RESEARCH STAFF:		
	Ms. R. Matlow	

1. PURPOSE OF MEETING

To understand the research structure of the project and to discuss whether or not respondent spouses should be interviewed during Phase I of the Research Design.

1.1 Outline of Phases of Research

- Phase I: Description of clients using the Family Court Intake Service and the Conciliation Service.
- Phase II: Programme Process Model and evaluation of the administrative organization of the project.
- Phase III: Evaluation of Outcomes.

2. REPORT OF THE RESEARCH COMMITTEE

Janet Rowney presented a Report of this committee which met June 14, 1977. It was felt that by interviewing respondent spouses the goals of the research would be altered and it would become a "spouses study" rather than a controlled comparison between the two services.

It was, therefore, recommended by the Research committee that the Research design remain unchanged and the study proceed as originally planned and approved by the Board.

IT WAS MOVED by Karen Weiler and seconded by H. Nixon, for purposes of discussion only, that respondent spouses coming into the Conciliation Project be interviewed.

After discussion, it was voted 2 - 4 against this motion.



IT WAS MOVED by W. Donkin and seconded by E. Larman that after completion of Phase I, an attempt should then be made to interview respondent spouses in both the Conciliation Project and the Intake Service.

Suggestions around this motion were raised and it was decided that the motion should be adjourned and deferred to the Research Committee.

The Research Committee will study the motion and also the possibility of interviewing the husband during the follow-up of Phase I. A full report to include the estimated cost of such a survey will be submitted at the September board meeting, at which Mr. Hart will attend.

### 3. DATE OF NEXT MEETING

Due to September 14 being the Jewish New Year it was necessary to change the date of the next Board meeting to:

FRIDAY, SEPTEMBER 9 at 3.30 P.M.

28.6.77  
E.McGinty





PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

MINUTES OF BOARD OF DIRECTOR'S MEETING HELD JUNE 1, 1977.

PRESENT:	Professor D. Mendes da Costa	- Chairman
	Mrs. Ruth Parry	- Vice-Chairman
	Mr. H. Nixon	- Accountant
	Mr. W. R. Donkin, Q.C.	- Area Director, Legal Aid
	Mr. R. Klassen	- Barrister and Solicitor
	His Honour Judge D. Main	- Provincial Court (Family Division)
	Mr. A. Sherlock	- Catholic Children's Aid Society
	Ms. M. Swirsky	- Family Court Clinic
	Mrs. K. Weiler	- Counsel, Policy Development Division
EX OFFICIO	Mrs. J. Kelly	- Provincial Court (Family Division)
	Dr. H. Irving	- University of Toronto, Faculty of Social Work
	Mr. E. Zapf	- Provincial Court (Family Division)
	Mr. M. Quiggin	- Director, Conciliation Project
GUESTS:	Mr. M. Armstrong	- Family Court Clinic
	Mr. P. Bohm	- Faculty of Social Work, U. of Toronto
STAFF:	Ms. P. Tummon	- Conciliation Project
	Mr. W. Davidovitz	- Conciliation Project
REGRETS:	Chief Judge H.T.G. Andrews	- Provincial Court (Family Division)
	Mr. E. Larman	- Jewish Family & Child Services
	Master A. Davidson, Q.C.	- Supreme Court of Ontario

1. MINUTES

IT WAS MOVED by R. Klassen and seconded by H. Nixon that the minutes of the May 6 meeting be approved as circulated.

CARRIED.

2. BUSINESS ARISING FROM MINUTES

IT WAS MOVED by M. Swirsky and seconded R. Klassen that Mrs. Frances Pendrith be confirmed as a member and be invited to join the Board of Directors.

CARRIED.

IT WAS MOVED BY W. Donkin and seconded by Mr. A. Sherlock that the order of the Agenda be varied and that 3.3 Report of the Research Committee become 2.1 on the Agenda.

CARRIED.

2.1 Report of the Research Committee

H. Irving outlined research progress to date and explained the





procedure being used by the interviewers ~~condu~~cting the questionnaires.

Concern was raised regarding Phase I of the research project. No questionnaire is being carried out on the responding spouse. If this is the case it should be noted in the minutes that spouses have been excluded from Phase I of the Research.

IT WAS MOVED by W. Donkin and seconded by H. Nixon that a special Board meeting be set with the Research Committee to discuss in more depth the issue of not doing research on the responding spouse during Phase I of the Project.

CARRIED.

The meeting was set for 22nd June at 3.30 p.m. in the Conference Room at 311 Jarvis.

Due to the lack of Board members present at the meeting it was decided that all other items on the Agenda, excepting the Access Committee Report, be deferred.

## 2.2 Access Committee Report

The Access Report was circulated at the meeting.

Mr. Michael Armstrong, member of the Access Committee, presented an overview of the work that this Committee had done during the last 6 months.

It was suggested that the Report should be circulated to all Board Members and put on the Agenda for the September meeting. In the meantime, it was decided that Mike Quiggin send to the Society of Single Fathers and One Parent Families Association, the section of the report pertaining to single parent associations.

## 2.3 DATE OF FALL MEETING

It was decided not to meet during July and August.

The Board will meet WEDNESDAY, SEPTEMBER 14, 1977.



PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

MINUTES OF BOARD OF DIRECTORS' MEETING HELD MAY 4, 1977 AT 3:30 P.M.

PRESENT: Professor D. Mendes da Costa, Q.C.- Chairman  
Mrs. R. Parry - Vice-Chairman  
Mrs. E. Clements - Metropolitan Toronto Children's  
Aid Society  
Mr. R. Klassen - Barrister and Solicitor  
Ms. J. Rowney - Ministry of Community and  
Social Services  
Mr. A. Sherlock - Metropolitan Toronto Catholic  
Children's Aid Society  
Ms. M. Swirsky - Family Court Clinic

EX OFFICIO  
Mrs. J. Kelly - Provincial Court (Family Division)  
Dr. H. Irving - Faculty of Social Work, U of T.  
Mr. T. M. Quiggin - Conciliation Project

GUESTS: Mr. F. Turville, Q.C. - Senior Counsel Civil, Legal Aid  
Mrs. F. Pendrith - Ministry of Community and  
Social Services  
Ms. P. Tummon - Conciliation Project

REGRETS:  
Chief Judge H.T.G. Andrews, Q.C. - Provincial Court (Family Division)  
Mr. Harry J. Nixon - Accountant  
His Honour Judge D. R. Main - Provincial Court (Family Division)  
Mr. Earl Zapf - Provincial Court (Family Division)

NEW MEMBER:

Ms. Rowney presented Mrs. Pendrith's name to the Board for its consideration to invite Mrs. Pendrith to become a Board member.

Mrs. Pendrith is a Program Development specialist with the Ministry of Community and Social Services. One of her areas of responsibility with the Ministry, is the Family Crisis Program. She is involved with court related research and social service experimental Programs in Owen Sound and Hamilton. Her membership on the Board was presented as providing a valuable and helpful input, both in terms of her present responsibilities with the Ministry of Community and Social Services, as well as her extensive background in social work.

IT WAS MOVED by Janet Rowney, seconded by Ruth Parry, that this meeting invite Fran Pendrith to become a member of the Board of Directors and that should this motion be passed, that it be placed before the Board at its next meeting for confirmation.

CARRIED

1. MINUTES

IT WAS MOVED by Bob Klassen and seconded by Marlene Swirsky that the minutes of the April 6th meeting be approved as circulated.

CARRIED



## 2. BUSINESS ARISING FROM THE MINUTES

### 2.1

A question was raised in regard to the interest of the Journal of Family Physicians, in publishing an article on the Conciliation Project. To date, representatives of the Journal have not contacted the Project Director.

### 2.2

A question was raised in regard to the visit of staff persons from the Kingston Project with the Conciliation Project. At the suggestion of Robert Hart of Health and Welfare Canada, three staff representatives from Kingston met with Project staff.

## 3. COMMITTEE REPORTS

### 3.1 Executive Committee

The Chairman reported on the letter from Health and Welfare Canada confirming the Conciliation Project grant for 1977-78. Copies of the letter were circulated to Board members.

### 3.2 Community Relations

3.2.1. City T.V. Appearance in June - Marlene Swirsky reported on her being asked by City T.V. to appear on a talk show in June. The Board deliberated on the merits of this, weighing the risk of too much publicity before the Project was ready to receive referrals from the general public against the risk of not taking advantage of an opportunity to inform the public of the good results of its approximate \$100,000 investment to date on this endeavour. It was decided: that Marlene Swirsky appear on the T.V. program; that if possible, a date later than June be negotiated with City T.V.; that if the program has go ahead in June, Marlene will emphasize that the Project is not yet ready for referrals from the public; and that City T.V. be asked to re-run the program at the time the Project is ready to receive referrals from the public.

3.2.2. Access Committee- Mike Quiggin reported on the meeting between the Access Committee and representatives from the Society for Single Fathers and the Single Parents Association of Canada. The meeting was well attended. It involved approximately two months of preparation. Several comments and recommendations were made by the representatives. These have been recorded and will be distributed to the Board at its next meeting with a staff recommendation that the Conciliation Project participate with these two organizations in developing a questionnaire for distribution to the members of the organizations for the purpose of obtaining a wider selection of ideas in regard to access problems and possible remedies.

### 3.3 Research Committee

Howard Irving reported that: the first interview schedule is at the Printers and will be ready next week, four research interviewers



have been hired to begin the research on May 16th, 1977. Forms are being prepared for staff to fill out after each interview and upon termination, the interview schedule, which is for the first research follow-up interview six weeks after termination, is presently being pretested, and that the tracing schedule for the client court files is acceptable.

### 3.4 Personnel and Training Committee

3.4.1. Staff Agreements and Letters of Understanding - Mike Quiggin distributed copies of the letters of agreement with part time workers employed with Health and Welfare Canada funds and copies of letters of understanding with seconded staff, outlining duties and responsibilities. It was reported that these have been finalized with staff for the 1977-78 fiscal year. After some discussion, the Board requested the Personnel and Training Committee to develop a policy in regard to future agreements and letters of understanding entered into with Project Staff.

3.4.2. Staff Training Program - Mike Quiggin distributed an outline of the staff training program from March 1st, 1977 projected to June 30th, 1977.

### 3.5 Accounting Committee

Inasmuch as Harry Nixon, the Board Accountant, was unable to be present at the meeting, the report of the Accounting Committee was tabled until the next meeting.

## 4. DIRECTOR'S REPORT

### 4.1 Students

A staff proposal for social work student participation in the Conciliation Project was presented and referred to the Personnel and Training Committee for consideration.

### 4.2 Conciliation Project Presentations

It was reported that the Conciliation Project will be presenting to the Ontario Association of Family Service Associations, The Ontario Association of Professional Social Workers, and The Ontario Family Law Section of the Canadian Bar Association in the months of May, June, and July respectively.

THE DATE OF THE NEXT MEETING WAS SET FOR:

WEDNESDAY JUNE 1ST AT 3:30 P.M.







PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

MINUTES OF BOARD OF DIRECTORS' MEETING HELD APRIL 6, 1977 AT 3.30 P.M.

PRESENT: Professor D. Mendes da Costa, Q.C. - Chairman  
Mr. Harry J. Nixon - Accountant  
Chief Judge H.T.G. Andrews, Q.C. - Provincial Court (Family Division)  
Master Alex Davidson, Q.C. - Supreme Court of Ontario  
His Honour Judge D. R. Main - Provincial Court (Family Division)  
Mr. Lloyd W. Perry, Q.C. - Official Guardian  
Mr. A. Sherlock - Catholic Children's Aid Society  
Ms. Marlene Swirsky - Family Court Clinic

EX OFFICIO  
Mrs. Joan Kelly - Provincial Court (Family Division)  
Dr. H. Irving - Faculty of Social Work, U of T.  
Mr. T. M. Quiggin - Conciliation Project

GUESTS: Mr. F. Turville, Q.C. - Senior Counsel Civil, Legal Aid

PROJECT STAFF:  
Mrs. L. Cowen - Conciliation Counsellor  
Mrs. H. Goudge - " "  
Miss R. Leano - " "  
Mrs. A. Poulter - " "  
Ms. P. Tummon - " "

REGRETS:  
Mrs. Karen Weiler - Policy Development Division

1. MINUTES

It was moved by Mr. A. Sherlock and seconded by Mr. H. Nixon that the minutes of March 2nd be approved.

2. DIRECTOR'S REPORT

2.1 Staff Analysis of Case Content to Date

The Conciliation Project staff presented statistical and case analytical data in relation to work with clients during the past 2 months.

Discussion arose around the issue of Counsellors writing Conciliation Reports and the legal implications thereof. It was the consensus of the Board that for the time being:

1. Counsellors will continue to write Conciliation Reports, sign the report, send copies of the report to respective lawyers and in the absence of a lawyer, encourage clients to seek legal advice to ensure their legal rights.
2. Reports will be written where agreement is reached on such matters as custody, access and specific problems relating to marital dispute.
3. On issues relating to the division of marital property, clients will be directed to their lawyers, or to seek lawyers.



4. In the event of a breakdown in all or any part of agreements reached clients will be encouraged to return to Conciliation Counselling.

## 2.2 Status of Court Referrals

Mr. Quiggin reported that several meetings had taken place between the Family Court Judges and himself. A criteria for court referrals has been established.

## 3. COMMITTEE REPORTS

### 3.1 Executive Committee

The Journal of Family Physicians has requested permission to write an article on the Conciliation Project similar to that which appeared in the Globe and Mail on April 6.

### 3.2 Community Relations

The above committee met with the following Agencies to explain the work of the Conciliation Project.

Society of Single Fathers  
Parents Without Partners  
Catholic Family Services  
Addiction Research Foundation  
Catholic Children's Aid Society.

Meetings between the Kingston Project and the Hamilton Project were also held.

It was felt by the Committee that they should adopt the role of "clearing house" for all data relating to the public relations aspect of the Project.

The Board considered a proposal for the preparation of Brochures describing Family Court and Conciliation Services which would be available for the general public. It was felt that in light of the Family Law Reform Act now before the Legislature, this would not be an appropriate time to prepare brochures. Nevertheless it was the consensus that it would be helpful to set up the process by which such brochures might be prepared in the future.

### 3.3 Research Committee

Dr. Williams of the Faculty of Medicine, U of T and Mr. Stanley Loo of the Ministry of Community and Social Services have both reviewed the final questionnaire and approved it with the exception of a few minor revisions.

The follow-up questionnaire to the Pre-test questionnaire is finalized and Peter Bohm will begin work on this commencing April 12.

May 16, 1977 is the scheduled date for commencement of the Research questionnaire which will be carried out by paid interviewers. Phase I of the Research is scheduled to end September 30, 1977.

The Board approved a case court record which will be used to gather information relating to Court time spent on each case and the frequency of cases going back into Court.



### 3.4 Personnel and Training Committee

The Board approved plans to schedule a half-day Conference for the purposes of staff training re: giving testimony as expert witnesses. It was felt that the conference could be offered to other appropriate Agencies and could also act as a 'public relations' source for the Project. The Conference is to be held before the end of June.

The Board agreed that the planning of this Conference will be the responsibility of the Personnel and Training Committee and the Community Relations Committee and a report of interested agencies and approximate number that might attend be given at the next Board meeting.

### 3.5 Accounting Committee

Mr. Nixon reviewed March's Financial Statements and noted that at the end of the fiscal year 1976-77 the Project is well within budget limits being \$3,000 below budget.

Mr. Nixon informed the Board that approval has been given by Health and Welfare Canada for funding in the fiscal year 1977-78 in the amount of \$83,562 which is \$1,000 less than the proposed budget.

The Board approved travelling expenses up to \$500 to enable two staff members to attend the Conference of the Association of Family Conciliation Courts which is being held in Minneapolis in May.

THE DATE OF THE NEXT MEETING WAS SET FOR:

WEDNESDAY MAY 4TH AT 3.30 P.M.

E. McGinty  
19.4.77



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4. MARCH 1978 FINANCIAL STATEMENTS

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	MARCH ACTUAL			MARCH BUDGET		
	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL
DIRECTOR	2250	2250		2250	2250	
ADMIN. SECRETARY	990	990		990	990	
HALF-TIME COUNSELLORS (4)	1431	1431 (+189)		1620	1620	
FULL-TIME COUNSELLORS (2)	3124		3124	3124		3124
PART-TIME SENIOR COUNSELLOR	917		917	917		917
FRINGE BENEFITS	479	75 (+302)	404	781	377	404
SECRETARIAL SERVICES	410		410 (+90)	500		500
RESEARCH	20	20 (+1851)		1871	1871	
TRAINING AND DEVELOPMENT	803	803 (-478)		325	325	
RENT	792		792	792		792
TELEPHONE, STATIONERY, POSTAGE & SUPPLIES	445	395	50	383	300	83
TRAVEL				50	50	
INTERPRETER SERVICES	63		63	200		200
CONFERENCE	289	289 (-39)		250	250	
CONFERENCE RESEARCH						
TOTAL	12013	6253	5760	14053	8033	6020



	MARCH ACTUAL TO DATE			MARCH BUDGET TO DATE		
	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL
DIRECTOR	26167	26167		26,167	26,167	
ADMIN. SECRETARY	11880	11880		11,880	11,880	
HALF-TIME COUNSELLORS (4)	19251	19251		19,440	19,440	
FULL-TIME COUNSELLORS (2)	37488		37488	37,488		37,488
PART-TIME SENIOR COUNSELLOR	11004		11004	11,004		11,004
FRINGE BENEFITS	9194	4346	4848	9,373	4,525	4,848
SECRETARIAL SERVICES	1952		1952	2,500		2,500
RESEARCH	14949	14949		14,950	14,950	
TRAINING AND DEVELOPMENT	3810	3810		3,900	3,900	
RENT	9504		9504	9,504		9,504
TELEPHONE, STATIONERY, POSTAGE & SUPPLIES	5893	4262	1631	4,748	3,600	1,148
TRAVEL	409	409		600	600	
INTERPRETER SERVICES	1330		1330	2,400		2,400
CONFERENCE	300	300		500	500	
CONFERENCE RESEARCH						
TOTAL	153131	85374	67757	154,454	85,562	68,892



	MARCH UNUSED OR OVERSPENT TO DATE			BUDGET 1977/78		
	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL	TOTAL	HEALTH AND WELFARE	ATTORNEY GENERAL
DIRECTOR				26,167	26,167	
ADMIN. SECRETARY				11,880	11,880	
HALF-TIME COUNSELLORS (4)	+ 189	+ 189		19,440	19,440	
FULL-TIME COUNSELLORS (2)				37,490		37,490
PART-TIME SENIOR COUNSELLOR				11,000		11,00
FRINGE BENEFITS	+ 179	+ 179		9,374	4,525	4,849
SECRETARIAL SERVICES	+ 548		+ 548	5,000		5,000
RESEARCH	+ 1	+ 1		14,950	14,950	
TRAINING AND DEVELOPMENT	+ 90	+ 90		3,900	3,900	
RENT				9,500		9,500
TELEPHONE, STATIONERY, POSTAGE & SUPPLIES	- 710	- 662	- 48	4,600	3,600	1,000
TRAVEL	+ 191	+ 191		600	600	
INTERPRETER SERVICES	+1070		+1070	2,400		2,400
CONFERENCE	+ 200	+ 200		500	500	
CONFERENCE RESEARCH						
TOTAL	+1758	+ 188	+1570	156,801	85,562	71,239



BUDGET ITEM	MONTH ACTUAL	MONTH BUDGET	ACTUAL TO DATE	BUDGET TO DATE	UNDER OR (OVERSPENT) TO DATE	1978/79 BUDGET	COMMENT
DIRECTOR	2250	2250	26167	26167	-	26167	
ADMIN. ASST.	990	990	11880	11880	-	11880	
PART-TIME COUNSELLORS	1431	1620	19251	19440	+ 189	19440	
FRINGE BENEFITS	75	377	4346	4525	+ 179	4525	
TRAINING & DEVELOPMENT	803	325	3810	3900	+ 90	3900	
TELEPHONE, ETC.	395	300	4262	3600	- 662	3600	
TRAVEL	-	50	409	600	+ 191	600	
RESEARCH	20	1871	14949	14950	+ 1	14950	
CONFERENCE	289	250	300	500	+ 200	500	
CONFERENCE RESEARCH							
TOTAL	6253	8033	85374	85562	+ 188	85562	

CLAIM #

FOR PERIOD OF March 1, 1978

TO March 31, 1978 INCLUSIVE.





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5. LETTERS FROM JUDGES

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Judge's	Provincial Court	Judicial District	416/924-0631	311 Jarvis Street
Chambers	(Family Division)	of York		Toronto Ontario
				M5B 2C4

January 24, 1978.

Mr. T. Michael Quiggin,  
Director, Conciliation Project,  
311 Jarvis Street,  
Toronto, Ontario.

Dear Mike:

Let me apologize for the delay in acknowledging and responding to your letter, dated January 16, 1978.

As you know, my intermitant absences from the Court during the last two years have meant that my direct involvement with the Conciliation Project has been rather minimal. However, I did want to emphasize that this has not prevented me from gaining personal impressions of the Conciliation Service from my colleagues, the staff and members of the Legal Profession.

It is my impression that the Conciliation Service has been a resounding success. In many cases the service has obviously reduced if not virtually eliminated most of the anxieties and frustrations that are indigenous to the matters coming before this Court. I am confident that what this means, not only in terms of the number of matters that can be dealt with more effectively before the Court, but also in terms of the nature and quality of the services that we are able to provide to the public, will become obvious as we are able to report on the continued activities.

You may be assured of my continued interest and co-operation and, in turn, I wish to again express my sincere appreciation for the tremendous positive work that the Conciliation Services have been providing to the Court, but more importantly, to the persons appearing in our system.

Sincerely,

LAB:lk

A handwritten signature in dark ink, appearing to be "L. A. Beaulieu".  
L. A. Beaulieu  
Senior Judge





Ontario

Judge's  
Chambers

Provincial Court  
(Family Division)

Judicial District  
of York

416/924-0631

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

Mike -

Conciliation is great! Although I haven't been hearing many domestic cases for the past 2 or 3 months, I found Conciliation invaluable on the few occasions I've used it. If a case was soluble, Conciliation seemed to be able to solve it.

I still feel that the courtroom should not be the 1<sup>st</sup> place people hear about conciliation. Perhaps the letter explaining the service could be sent out with the summons, and handed to the wife when she leaves the Judge's Office. This would make it easier, I think, to get the parties to agree to use Conciliation in Court.

Where an agt cannot be reached through Conciliation I wouldn't mind having the areas of discord outlined eg. wife feels husband offering too little maintenance, etc.

Generally I find the service of great use, whether or not the parties come to an agreement. At least it clears the air for them.

Abella







Judge's  
Chambers

Provincial Court  
(Family Division)

Judicial District  
of York

416/924-0631

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

April 14, 1978.

Mr. T. Michael Quiggin,  
Director,  
Conciliation Project.

Dear Mr. Quiggin:

Further to your request for some comments in relation to the Conciliation Project, I should like to advise you that generally I have found this service to be extremely effective and useful. By using Conciliation, I have found that I have been able to complete more cases resulting in more decisions in each month. Moreover, I had the clear impression that the clients of the Court were more relaxed, knowledgeable, and satisfied with the results and efforts achieved.

In many cases the Conciliation Officer was able to resolve the issues fully or, where that was not possible, the Officer very often assisted the litigants to define the issues which had to be resolved by the Judge. This of course eliminated the need to litigate those issues which were really not in dispute and which, if litigated, may well have simply polarized the litigants.

Generally, I have found that where the litigants consent to Conciliation, it can be used effectively both where there is acrimony and where there is still an ability to communicate. I think that in either case many litigants still want to avoid the Court confrontation wherever it is reasonably possible.

I think it is important that the Judge always try to assess the litigants' expectations and wishes and determine the real issue that needs to be conciliated.

I think it is also important for the Judge when making the referral to Conciliation to discuss with the litigants the role of the Conciliation Officer and how this fits into the Court process. It might also be helpful for the Judge to take an optimistic attitude to Conciliation in these discussions, but also make

....2



Mr. T. Michael Quiggin,

- 2 -

April 14, 1978.

it clear that if there is no resolution then the Judge will be very ready to assist the litigants by hearing the case and adjudicating.

It would also seem to me that the Judge's directions to Conciliation should be clearly set out and should be upon the full understanding and agreement of the litigants. In some cases it is very helpful to have the Conciliation Officer come to Court and be introduced and have a brief discussion in the presence of the litigants.

Judging by the very helpful responses received from the Conciliation Officer and the attitudes of the litigants, I must conclude that the staff in the Conciliation Project are particularly suited for their responsibilities. It would seem to me that it must be very important and very difficult to be assured of the appropriate staff.

I think that the Conciliation Service has really demonstrated its worth and absolute need in cases where there are very few lawyers involved. However, I do not see Conciliation as a substitute for legal consultation, but where the law or legal principles are clear, and the conflicts or disputes are rather clear, the Conciliation Officer can do a really good job.

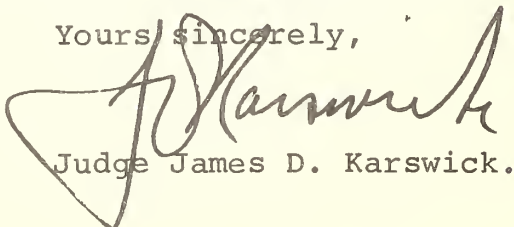
The Conciliation Officers have helped with the issues of custody, access, and on some occasions, with quantum. On other occasions, the Conciliation Officers have been very helpful in resolving assault and threatening charges made by the wife against her husband.

I should also note that there have been a few cases where lawyers were involved and where the issue of access was referred to Conciliation with some helpful response.

I think at this moment, it would be helpful to continue to examine the role of the Conciliation Officer where counsel consistently represents the disputants.

Having received very helpful and needed services of Conciliation, I would strongly support the Project's continued use as a permanent resource of the Family Court.

Yours sincerely,



Judge James D. Karswick.

JDK/rg





Judge's	Provincial Court	Judicial District	416/924-0631	311 Jarvis Street
Chambers	(Family Division)	of York		Toronto Ontario
				M5B 2C4

January 18, 1978

Mr. T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)  
311 Jarvis Street,  
Toronto, Ontario.  
M5B 2C4

Dear Mr. Quiggin:

I am in receipt of your letter of January 16th past with regard to your enquiry from me of my impressions of the service given to date by your Conciliation Project.

You are well aware of my involvement with your Project by reason of the number of referrals that I have made to you since being appointed to this Bench. I was given mainly domestic problems to deal with from the very beginning of my appointment, which meant that I had an opportunity of becoming closely involved with your services and indeed, took good advantage of them.

I have found that your service has been most helpful to my Court and on these particular items, if for no other reason than the fact that it saved a considerable amount of actual court time in determining first of all what the major problems outstanding between the parties were, and whether or not they were capable of any solution outside of the Courtroom. Your Project is able to deal with these people informally, and with their consent and assistance you are frequently able to zero in on obvious areas of contention and irritation, and in some cases, make the parties themselves realize that these are problems of a nature that need not be necessarily solved by the Court. For this reason, I think that you have had a great deal of success in encouraging the parties to take a softer line toward each other, rather than becoming firmly fixed and unbending in their attitudes towards each other. I feel that this feature of your service is most important and can frequently lead the parties to reconsider their positions and attempt a reconciliation.





With regard to the time saved for the Court, your Project has been able to narrow the issues that are outstanding between the parties so that when they do enter the Courtroom, the various items that are in contention are obviously seen, pointed out by your report, and attacked accordingly. This has been most helpful as previous to the use of your Project, the parties frequently would come into Court and it would be some time before you could find out what the parties were prepared to agree to, and just exactly what points required negotiation and adjudication. I have also been pleased to note that at times you have actually had the parties agree to a certain settlement subject to the approval of the Court. This again is most helpful and allows our Court to service a great many more clients each day than was previously possible.

I have also been encouraged by the results that you have obtained with making the parties aware of what each of their responsibilities are in the particular circumstance. Frequently the parties will come into Court and be quite thoroughly confused as to what their rights and liabilities are, and an informal conversation through your Conciliation Project frequently will enlighten the parties and let them know where they may have been misinformed or ill advised.

Lately I have received from your Project reports that have not led to any particular settlement. It may just be that the few referrals that I have given you recently are of the type that were unable to be resolved outside of the Courtroom. However, even in those instances I found that a great deal of the Court's time has been saved by your being involved in the matter from the beginning.

To some degree, I have looked on your services as something in the nature of a pre-trial examination of the material before the Court which enables the matters not agreed to between the parties to be pinpointed and set out for the Court. I am a firm believer in this type of pre-trial and conciliation service, and am committed to it and fully support your Project. I do feel that it is important that your services be used by the parties as quickly as possible before each of them firms up their positions and becomes inflexible. Therefore anything that can be done to acquaint clients coming into this building with your service should be done. It might also be considered by your Project whether or not it might be advisable if all domestic matters were to first of all come into the Conciliation Project and then be funneled through to the Court for hearing after conciliation hearings have been held. It could readily be seen in most instances whether or not your Project could be of any service, and if it could, then possibly your services could be performed before the parties are actually entered into the Judge's presence.





I hope these impressions of mine concerning your service will be of some assistance to you. I would be pleased to receive your second annual progress report as soon as it has been completed.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'W.A. Maclatchy', with a long horizontal flourish extending to the right. The signature is written over the printed name 'Judge W.A. Maclatchy'.

Judge W.A. Maclatchy

/pw





Judge's

Chambers

Provincial Court  
(Family Division)

Judicial District  
of York

416/924-0631

311 Jarvis Street

Toronto Ontario

January 18th, 1978.

M5B 2C4

Mr. T. Michael Quiggin,  
Director,  
Conciliation Project,  
311 Jarvis Street,  
Toronto, Ontario.

Dear Mr. Quiggin:

In response to your letter dated January 16th, 1978, I am pleased to reply that I have a great deal of confidence in, and positive feelings about the Project as it has developed.

I think that it is true to say that in a great many cases the first time that the parties may have communicated with each other in any reasonable manner would be when referred to the Conciliation Counsellor and the effort is made.

Generally speaking, my impression of the results of the Project to date is one of optimism. In most of the referalls I have made, even where resolution was impossible, I nevertheless sensed that the parties had still gained something from their participation in the Project. There was a different "air" about the proceeding, even though it had to be litigated in whole or in part.

I think that it is important to bear in mind that even though Conciliation is not successful in totally resolving the issues, the emotional "drain-off" during the counselling sessions may be critical to any reconciliation attempt or on-going litigation, future contact by the parties or completion of negotiations either privately or with the aid of counsel. Very often when the emotion is dissipated the pieces fall into place much more readily. This is especially true where custody and access is at issue but may also be true for all of the other items in dispute. I think it is important not to over emphasize custody and access to too great a degree at the risk of overlooking other contentious items which may be keeping the parties from a consensus. The often quoted example is stale-mate over possession of the "family cat" or "grandfather's clock". What would appear trifling to some can be very important to the waring spouse.

.....2



With regard to recommendations, the only thing which I can think of at the moment is a continuation of practice both at the counsellor level and the Judge referral level toward honing our skills in identifying conciliable issues and working to effect resolution of those issues. I think that in view of human nature this is an area which cannot be defined too precisely and one in which gut feeling and experience are often the best judgmental factors.

Conciliation will not be the answer for every domestic dispute. However, in most cases it will have some beneficial effect and I am confident that its utility in resolving all types of matrimonial issues will be demonstrated by the research component of the Project.

Thank you for your continuing co-operation.

Yours very truly,

A handwritten signature in dark ink, appearing to be 'D. R. Main', with a stylized flourish at the end.

Judge David R. Main.

DRM/djb







Provincial Court  
(Family Division)

Ministry of the  
Attorney  
General

Judicial District  
of York

416/924-0631

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

January 20th, 1978.

Mr. T. M. Quiggin,  
Director,  
Conciliation Project,  
(Family Division)  
311 Jarvis Street,  
Toronto.

Dear Mr. Quiggin,

Thank you for your letter of January 16th. In reply I am quite satisfied with the efforts of conciliation.

My main concern heretofore related to understanding and appreciation on the part of the client and public as to the precise nature and purpose of conciliation. Hopefully the new letter which is forwarded to the parties explaining conciliation will minimize this concern.

In appropriate cases it is suggested the conciliation report be forwarded to the court well in advance of the adjourned date should it be completed. It is also suggested that from time to time the conciliation worker may wish to speak to the Judge concerned where in his opinion it appears warranted. I do not wish to confuse the role of the court and conciliation, however, direction from the court prior to the adjourned date may assist where the parties agree and there is no prejudice of their rights in law.



Continued.....

With the introduction of conciliation to this Borough for which Judge Ball and I are most indebted to you and your staff is it possible to set aside a specific time period during the week for Scarborough referrals because of time and distance involved in attending at 311 Jarvis Street. This is a mere suggestion and perhaps we should follow the same procedure with respect to referrals to the court clinic, however, any improvements in the certainty of the process if possible is welcomed.

Yours truly,

A handwritten signature in dark ink, appearing to read 'D.F. Morrison', with a long horizontal flourish extending to the right.

Judge D.F. Morrison.

D.F.M/ml.

c.c. Judge C. Ball.





Judge's  
Chambers

Provincial Court  
(Family Division)

Judicial District  
of York

416/924-0631

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

January 24, 1978

Mr. T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)  
311 Jarvis Street,  
Toronto, Ontario.  
M5B 2C4

Dear Mr. Quiggin:

I refer to your letter of January 16, 1978.  
I have found your services most helpful not only to the  
Court but to the parties involved. As far as I am  
aware, these services are more useful during the  
litigation process in a Deserted Wives' and Children's  
Maintenance action, for example, rather than prior to the  
taking of evidence.

Your services have been most effective in the  
areas of access and in situations where both spouses  
have expressed a desire to reconcile. While the latter  
has not succeeded in every instance, I feel that the  
effort has been worthwhile and the reports of procedures  
during conciliation have been useful to me. I do not  
think that everyone can use the Conciliation Services to  
advantage, but there are certainly instances where your  
assistance has been most fruitful.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "K. Wang".

Judge Kechin Wang

KW/pw





Judge's  
Chambers

Provincial Court  
(Family Division)

Judicial District  
of York

416/924-0631

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

January 25, 1978

Mr. T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division),  
311 Jarvis Street,  
Toronto, Ontario.

Dear Mr. Quiggin,

In response to your request of the 16th instant,  
I would say that I consider myself fortunate to have your  
service at the disposal of my Court.

I generally hold to the view that matrimonial  
disputes are best settled by agreement rather than by  
Order. It is my impression that the parties are more apt  
to comply with conditions reached by agreement than those  
imposed upon them.

I have no doubt that many hours of Court time  
have been saved by the conciliation process.

In those cases that have been referred to  
conciliation and no amicable solution has been reached, it  
usually turns out that no easy solution is found in Court  
either.

I think it is important that the conciliation  
Service has a capacity to handle instant referrals from  
the Bench. In my experience, it is discouraging for  
clients to be referred to conciliation once they have  
waited to get to Court only to be told that there will be  
appointments set up for some future date. It is preferable,  
in my view, to have the capacity to spend some time with  
the parties immediately in the hope of an expeditious  
settlement in default of which the parties can be sent right  
back to Court. Only if they are willing, should they be  
put over for further conciliation interviews and possibly  
at another date.

.... /2





Mr. T. Michael Quiggin  
January 25, 1978

- 2 -

Because of the economic position of the majority of the parties that come to this Court, once a fair award is made to provide for the children, there is usually no money left for the wife. This greatly simplifies matters for it avoids the emotional issues involved with desertion and the father is usually quite content to pay for his children where he would have an aversion to paying for his wife.

Unfortunately, in my experience, few separated parents talk at all before they reach my Courtroom door. I welcome the conciliation process as a means of facilitating such communications but I regret that the project has not yet worked out means of encouraging more parties to make use of the service at an earlier stage of the proceedings rather than having to be referred from Court. It might be a useful idea under the Family Law Reform Act to certify that all reasonable attempts to settle the issues before the Court have been made before they are permitted to proceed with their litigation.

Yours very truly,



Judge Norris Weisman

NW/zs



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## 6. OPEN AND CLOSED MEDIATION

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## OPEN MEDIATION AND CLOSED MEDIATION

In the past year, Conciliation Project Staff have attended several meetings and conferences and have spoken with many professionals involved in the resolution of family disputes. Through these events, it is obvious that there are several different opinions which persist in regard to dispute resolution with families. Among them are views related to open versus closed mediation (for the purposes of this section mediation is to be considered synonymous with conciliation).

It is understood that in Open Mediation, the mediator's report to the court includes assessment content on family members and family relationships. The report might also include the recommendations of the mediator outlining what she thinks is best for the family. The advantage of this form of mediation is that the court is given more "facts" upon which it can make a decision. The potential "disadvantages" are:

- (a) the facts presented might themselves come under dispute and prolong litigation;
- (b) where each party has his/her own expert the recommendations of the mediator; especially of court appointed, might be more credible to the court and unfairly influence its decision; and
- (c) where there are no other experts the recommendations of the mediator might be accepted outright meaning in effect that the mediator has become judge.

Except for point (a) what has been presented here as disadvantages are considered by some to be advantages - re. point (b) that a third party, even with the same credentials as the expert witnesses that the two parties to the dispute have marshalled, is more objective, less biased and therefore more able to reflect the reality of the family predicament and if asked, present more valid recommendations on what is best for the family, especially the children - re. point (c) that persons trained in the behavioural sciences are better able to make judgements on family matters (most particularly in regard to custody and access) than judges who find these judgements to be among the most difficult that they are required to make.

It is understood that Closed Mediation means that all that is reported to the court is where the parties agree and if disagreement remains, where they disagree. The perceived advantages of closed mediation are the following:

- (a) the court does not have access to facts from the Mediator which might assist them in making decisions to accept an agreement reached by the parties or in making a judgement where agreement has not been reached;
- (b) it can be more costly inasmuch as where no agreement has been reached the court might require an assessment from any source who very well might duplicate much of the assessment work already done in attempting to assist the parties in making a decision.

There have been some attempts to mesh these two forms of mediation (Irving & Lightman)\* have presented models linking the two both beginning with Closed Mediation and moving to Open Mediation where agreement is not possible. One model has different mediators undertaking both forms of mediation with the same parties, another has the same mediator moving from closed to open mediation. They have also worked with the concepts of voluntary and non-voluntary arbitration in family dispute resolution.

\* "Conciliation and the Arbitration in Family Disputes",  
Conciliation Courts Review vol.14 No.2 Dec.1976.





It would appear that in all forms of mediation, there is an attempt to get the parties to agree. The crux comes when the parties do not agree.

The points of view of professionals in the field appear to vary widely. Some lawyers are more comfortable with Closed Mediation inasmuch as it appears to be more in line with the Adversary process should agreement not be reached. Other lawyers are insistent on Open Mediation on the basis that the adversary process is completely inappropriate in resolving family disputes and the less influence it has the better. Some Behavioural Science professionals favour the Open Mediation approach inasmuch as it best utilizes their expertise. Others prefer Closed Mediation on the basis that it places more emphasis on the decision making of the parties involved and is more in line with the realities of family dispute resolution as they presently stand.

It is to be noted here that the issues here do not include Court Ordered assessments such as those prepared by the Family Court Clinic of the Clarke Institute of Psychiatry.

At the present time, the Conciliation Project of the Provincial Court (Family Division) 311 Jarvis Street follows the Closed Mediation form. One of the major issues that has been of concern to the staff has been with regard to the use of assessment data developed during the course of conciliation; especially as it relates to children. In those cases where in the opinion of the Counsellor children are at risk, The Children's Aid Societies have been contacted even if the parents have been unwilling for the contact to be made.

It is proposed that one of the major issues before the Board of Directors of the Conciliation Project is the discussion and perhaps resolution of the issues relating to the two methods of mediation and the variations thereof. It would be helpful if this were expanded to the development of an integrated system of support services including Intake and Assessment.

At the present time the Conciliation Project does receive referrals from the Intake Department of the Provincial Court (Family Division) 311 Jarvis Street and does refer directly through its Director, Mrs. Ruth Parry, to the Family Court Clinic of the Clarke Institute of Psychiatry. Both these systems are in the early stages of experimentation and yet to be evaluated.



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7. 1978 STAFF CONTRACTS

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Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

March 31, 1978.

Draft Contract

Re: T. Michael Quiggin

The term of the contract shall be for 12 months commencing April 1st, 1978 at a salary of \$28,620.

Either the Board of the Project or the Director thereof may terminate the agreement on one month's notice in writing, or by payment in lieu of notice by the Board.

Sick leave shall accumulate at 1½ days per month worked, and annual vacation shall constitute 20 working days.

Monies for benefits, including usual deductions and contributions by the employer as required by law, plus those benefits which will be paid by the Director shall be paid by the employer at 10% of salary.

It shall be the responsibility of the Director to manage the overall planning and administration of the "Family Court Conciliation Project" in accordance with the policy decisions of its Board.

It shall further be the responsibility of the Director to initiate and participate with the Board in the development of plans and programs and to co-ordinate and administer the activities of the Project which include the following:

- (a) ensuring that the Board and its Committees have appropriate staff support;
- (b) ensuring that the service requirements of the Project are met;

.... /2



- (c) encouraging and facilitating the participation of the general public, clients, agencies and institutions in the Project;
- (d) preparing progress reports;
- (e) designing of public relations materials

The Director shall also carry a small caseload in the Project.

The Director is authorized to speak and act on behalf of the Project in respect of:

- (a) interpreting the work of the Project to the general public, agencies, institutions and other individuals and groups as deemed appropriate by the Board;
- (b) the supervision of the financial affairs of the Project according to the policy of the Board and within current budget appropriations;
- (c) the recruiting, employment, training, evaluation and dismissal of other staff required by the Project in accordance with the policies of the Board and its mandate as approved by the Ministry of Health and Welfare.

The Director shall be responsible to and report directly to the Board or its duly authorized designees.







Ontario

Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

March 31, 1978.

Mr. William Davidovitz,  
98 Admiral Road,  
Toronto, Ontario.  
M5R 2L6

Dear Mr. Davidovitz:

RE: CONCILIATION COUNSELLOR POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

This will confirm our understanding of your duties and responsibilities as Conciliation Counsellor in regard to the Provincial Court (Family Division), Conciliation Project. The term of the contract will be for 12 months commencing April 1, 1978.

The responsibilities of the Conciliation Counsellor shall be the following:

1. Conciliation Counselling: Provide short-term counselling aimed at dispute resolution around matters of conflict between or among family members related to separation or reconciliation;
2. Conciliation Conference: staff the Conciliation Conference Committee.
3. Administration: Participate in staff meetings and fulfill the reporting, recording and statistical responsibilities as required by the Project Director:
4. Training: Participate in the Conciliation Project training programme including attending and preparing cases for case consultations, attending seminars, workshops and conferences and other such training events presented for Project staff.
5. Hours of work: Work 36½ hours per week, eight hours of which may be in the evenings between the hours of 5:00 p.m. and 9:00 p.m. Specific hours of work to be set from time to time by the Project Director in consultation with the Counsellor.
6. Accountability: The Counsellor shall be responsible to the Project Director.

.... /2



March 31, 1978.

This agreement is made within the context of the Counsellor's civil service status as an employee of the Province of Ontario.

If the foregoing meets with your understanding, please sign the following, keep one copy and return to me.

I acknowledge receipt of the above duties and responsibilities as assigned to me during my seconded tenure with the Conciliation Project

Date

April 19/78

Signature

Bill Daulton

Sincerely,

T. Michael Quiggin

T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)





Ontario

Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

March 31, 1978.

Mrs. Helen Goudge,  
32 Fairfield Road,  
Toronto, Ontario.  
M4P 1T1

Dear Mrs. Goudge:

RE: CONCILIATION COUNSELLOR POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

This will confirm our agreement with you which we arrived at through our discussions over the past several days. The term of the contract will be for 12 months commencing April 1, 1978.

Either the Project Director or the Conciliation Counsellor may terminate the agreement on one month's notice in writing, or by payment in lieu of notice by the Provincial Court (Family Division) Conciliation Project.

The annual salary for the position shall be \$10,303.00 for an eighteen hour work week.

Sick leave shall accumulate at a rate of 9 hours per month worked, and annual vacation shall constitute 72 working hours.

The Provincial Court (Family Division) Conciliation Project shall pay the Employer's contribution for the Canada Pension Plan and Unemployment Insurance.

The Responsibilities of the Conciliation Counsellor shall be the following:

1. Conciliation Counselling: Provide short-term counselling aimed at dispute resolution around matters of conflict between or among family members related to separation or reconciliation;
2. Administration: Liaise with the Supreme and County Courts and the Ontario Legal Aid Plan in terms of developing referrals to the Conciliation Project.
3. Administration: Participate in staff meetings and fulfill the reporting, recording and statistical responsibilities as required by the Project Director.



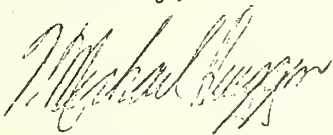


March 31, 1978.

4. Training: Participate in the Conciliation Project training programme including attending and preparing cases for case consultations, attending seminar, workshops and conferences and other such training events presented for Project staff.
5. Hours of Work: Work 18 hours per week, eight hours of which may be in the evening between the hours of 5:00 p.m. and 9:00 p.m. Specific hours of work to be set from time to time by the Project Director in Consultation with the Counsellor.
6. Accountability: The Counsellor shall be responsible to the Project Director.

If the foregoing meets with your understanding, please sign a copy and return it to me.

Sincerely,



T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)

I acknowledge receipt of the above  
duties and responsibilities as  
assigned to me during my  
seconded tenure with the  
Conciliation Project

Date May 9, 1978

Nelen Goudge  
signature





Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

(416)923-7781

311 Jarvis Street  
Toronto, Ontario  
M5B 2C4

May 3, 1977

Mrs. Joan Kelly,  
Intake Supervisor,  
Intake Services Dept.,  
Provincial Court (Family Division),  
311 Jarvis Street,  
Toronto, Ontario.

Dear Mrs. Kelly:

RE: CONCILIATION COUNSELLOR POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

This will confirm our understanding of your duties and responsibilities as Conciliation Counsellor in regard to the Provincial Court (Family Division) Conciliation Project.

The Provincial Court (Family Division) Conciliation Project shall pay one half of the annual fees for the Senior Counsellor's membership in the Ontario Association of Professional Social Workers and the Association of Family Conciliation Courts.

The responsibilities of the Senior Conciliation Counsellor shall be the following:

1. Provide on-going case consultation to the Conciliation Project staff;
2. Assist in the training of staff; especially in regard to court procedures;
3. Assist in the interpretation and co-ordination of the work of the Conciliation Project with the Provincial Court (Family Division) 311 Jarvis Street.
4. Provide to a relatively small case load:
  - (a) Conciliation Counselling: Provide short-term counselling aimed at dispute resolution around matters of conflict between or among family members related to separation



May 3, 1977

- or reconciliation;
- (b) Intake Services: In the context of serving Conciliation Project clients provide intake services of evaluating problems in regard to court services, assist clients in preparing the Information necessary to bring a charge before the Court, where appropriate refer clients to other agencies, and generally provide information related to court and court procedures.
5. Administration: Participate in staff meetings and fulfill the reporting, recording and statistical responsibilities as required by the Project Director.
6. Hours of work: Work approximately one half of 36½ hours per week.
7. Accountability: The Counsellor shall be responsible to the Project Director for the above.

This agreement is made within the context of the Senior Conciliation Counsellor's Civil service status as an employee of the Province of Ontario.

If the foregoing meets with your understanding, please sign the following, keep one copy and return it to me.

I acknowledge receipt of the above duties and responsibilities as assigned to me during my seconded tenure with the Conciliation Project

Date May 4/77

Susan Kelly  
signature

Sincerely,

T. Michael Quiggin

T. Michael Quiggin,  
Director  
Conciliation Project  
Provincial Court (Family Division)





Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

March 31, 1978

Mrs. Ann Poulter,  
139 Balmoral Avenue,  
Toronto, Ontario. M4V 1J5

Dear Mrs. Poulter:

RE: CONCILIATION COUNSELLOR POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

This will confirm our agreement with you which we arrived at through our discussions over the past several days.

The term of the contract shall be for 12 months commencing April 1st, 1978.

Either the Project Director or the Conciliation Counsellor may terminate the agreement on one month's notice in writing, or by payment in lieu of notice by the Provincial Court (Family Division) Conciliation Project.

The annual salary for the position shall be \$10,303.00 for an 18 hour work week.

Sick leave shall accumulate at a rate of 9 hours per month worked, and annual vacation shall constitute 72 working hours.

The Provincial Court (Family Division) Conciliation Project shall pay the employer's contribution for the Canada Pension Plan and Unemployment Insurance.

The Responsibilities of the Conciliation Counsellor shall be the following:

1. Conciliation Counselling: Provide short-term counselling aimed at dispute resolution around matters of conflict between or among family members related to separation or reconciliation;
2. Training: assist in the planning and presentation of the staff training program

.... /2



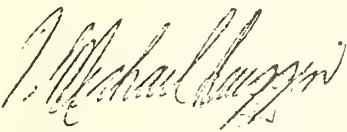


March 31, 1978.

3. Administration: Participate in staff meetings and fulfill the reporting, recording and statistical responsibilities as required by the Project Director:
4. Training: Participate in the Conciliation Project training programme including attending and preparing cases for case consultations, attending seminar, workshops and conferences and other such training events presented for Project staff.
5. Hours of Work: Work 18 hours per week, eight hours of which may be in the evening between the hours of 5:00 p.m. and 9:00 p.m. Specific hours of work to be set from time to time by the Project Director in Consultation with the Counsellor.
6. Accountability: The Counsellor shall be responsible to the Project Director.

If the foregoing meets with your understanding, please sign a copy and return it to me.

Sincerely,



T. Michael Quiggin,  
Director,  
Conciliation Project  
Provincial Court (Family Division)

I acknowledge receipt of the above  
duties and responsibilities as  
assigned to me during my  
seconded tenure with the  
Conciliation Project

Date: \_\_\_\_\_

  
signature





Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

April 11, 1978.

Mrs. Bernice Jacqueline Scott,  
730 Ontario Street, #417,  
Toronto, Ontario. M4Y 1N3

Dear Mrs. Scott,

RE: ADMINISTRATIVE ASSISTANT POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

The term of the contract will be from April 24, 1978 until  
March 31, 1979.

The annual salary for the position shall be \$13,593.00  
Monies for fringe benefits shall be calculated at 8% of  
salary (\$1,026.00).

Sick leave shall accumulate at a rate of 1½ days per month  
worked, and annual vacation shall constitute 15 working days.

Either the Project Director or the Administrative Assistant  
may terminate the agreement on one month's notice in writing  
or by payment in lieu of notice by the Provincial Court  
(Family Division) Conciliation Project.

It shall be the responsibility of the Administrative Assistant  
to generally manage the Conciliation Project office within the  
guidelines set by the Project Director and to:

- a. Co-ordinate court referrals presently from all courts  
and in the future from lawyers, agencies and possibly  
the general public - this includes communicating with  
judges, lawyers and agency staff and undertaking  
preliminary interviews with clients.
- b. Monitor Project spending, negotiate with suppliers, communicate  
with community agencies and generally manage the support  
services required by the Project.
- c. Assist in budget preparation and report drafting at an  
administrative level.

.... /2



It shall further be the responsibility of the Administrative Assistant to undertake the following:

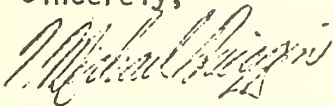
- a) Answer phone, directing calls to Project staff, taking messages and dealing with queries.
- b) Type form letters, general correspondence, reports, case recordings, financial statements, Board minutes and other such materials required by the Project.
- c) Maintain the Project files including the Intake Record Book, the alphabetical index, the central file, the case record file and other such files as required by the Project.
- d) Maintain the Project's financial records, including posting, preparing cheques for signature, preparing financial statements and other such duties generally related to financial recording and reporting.
- e) Keep staff appointment schedules, staff log, client time dockets and other such time study records.
- f) Take Board Minutes.
- g) Prepare and distribute Board and committee minutes and type and distribute Project reports and other such materials required by the Project.
- h) Order office supplies within the guidelines set by the Project Director.
- i) Supervise clerical staff who may from time to time be employed by the Project.

If the foregoing meets with your understanding, please sign the following, keep one copy and return it to me.

I acknowledge receipt of the above  
duties and responsibilities as  
assigned to me during my seconded  
tenure with the Conciliation Project

Date April 14, 1978 Bernice J. Scott  
signature

Sincerely,



J. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)







Ontario

Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

March 31, 1978

Ms. Patti Tummon,  
Conciliation Project,  
Provincial Court (Family Division),  
311 Jarvis Street,  
Toronto, Ontario.

Dear Ms. Tummon:

RE: CONCILIATION COUNSELLOR POSITION  
PROVINCIAL COURT (FAMILY DIVISION) CONCILIATION PROJECT

This will confirm our understanding of your duties and responsibilities as Conciliation Counsellor in regard to the Provincial Court (Family Division) Conciliation Project. The term of the contract will be for 12 months commencing April 1, 1978.

The responsibilities of the Conciliation Counsellor shall be the following:

1. Conciliation Counselling: Provide short-term counselling aimed at dispute resolution around matters of conflict between or among family members related to separation or reconciliation;
2. Administration: Assist in the administration of the Conciliation Project as it pertains to the Provincial Court (Family Division), 311 Jarvis Street.
3. Participate in staff meetings and fulfill the reporting, recording and statistical responsibilities as required by the Project Director.
4. Training: Participate in the Conciliation Project training programme including attending and preparing cases for case consultations, attending seminars, workshops and conferences and other such training events presented for Project staff.
5. Hours of work: Work 36½ hours per week, eight hours of which may be in the evenings between the hours of 5:00 p.m. and 9:00 p.m. Specific hours of work to be set from time to time by the Project Director in consultation with the Counsellor.
6. Accountability: The Counsellor shall be responsible to the Project Director for the above.

.... /2



March 31, 1978.

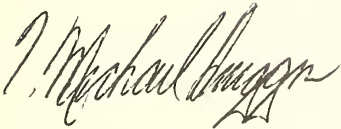
This agreement is made within the context of the Counsellor's civil service status as an employee of the Province of Ontario.

If the foregoing meets with your understanding, please sign the following, keep one copy and return to me.

I acknowledge receipt of the above  
duties and responsibilities as  
assigned to me during my  
seconded tenure with the  
Conciliation Project

Date Apr. 18/78 Patti Summon  
signature

Sincerely,



T. Michael Quiggin,  
Director,  
Conciliation Project,  
Provincial Court (Family Division)



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8.    F O R M S

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CONCILIATION INTAKE FORM 1.8.1

This form is usually completed  
by the Administrative Assistant  
in person or telephone interviews  
with clients prior to their seeing  
a conciliation counsellor





CONCILIATION PROJECTCASE RECORDFILE NO.

WIFE: Age \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No. \_\_\_\_\_

Work: \_\_\_\_\_

Address \_\_\_\_\_

Wrk. Tel. No. \_\_\_\_\_

HUSBAND: Age \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No. \_\_\_\_\_

Work \_\_\_\_\_

Address \_\_\_\_\_

Wrk. Tel. No. \_\_\_\_\_

## CHILDREN:

Name	d.o.b.	H	W	W & C	RES.

DATE OF MARRIAGE \_\_\_\_\_

DATE OF SEPARATION \_\_\_\_\_

PLACE OF SEPARATION \_\_\_\_\_

SOURCE OF REFERRAL: \_\_\_\_\_

W's Lawyer: Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

H's Lawyer: Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

C's Lawyer: Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

## AGENCIES:

1. Agency \_\_\_\_\_

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

2. Agency \_\_\_\_\_

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

3. Agency \_\_\_\_\_

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

## REASON FOR CONCILIATION SERVICES:

## INTERVIEWS:

Clients

Date

Time

Open

Closed

Court dates

Judge

Court File

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_



FORM OF ACKNOWLEDGEMENT 1.8.2

Clients are requested to sign this form in the early stages of the conciliation. The intent of the form is to have clients acknowledge the confidentiality of the conciliation counselling.



#### CLIENT CHART 1.8.3

The chart is intended to monitor cases as they proceed through conciliation and to provide basic statistical data.

It is completed by the Administrative Assistant and Conciliation Counsellors. While a case is active it is filed in the chart file. On termination it is filed in the client file.







Provincial Court  
Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

(416)923-7781

311 Jarvis Street  
Toronto, Ontario  
M5B 2C4

### A C K N O W L E D G E M E N T

1. The Husband and the Wife acknowledge that there is an existing matrimonial dispute between them and agree that they are using the conciliation services of the Family Court voluntarily with the intention of making every reasonable effort to resolve the issues in dispute.
2. The Husband and the Wife agree that any communication whether written or verbal hereafter made relating to such conciliation services by either of them to each other or to the Conciliation Counsellor, shall be "Without Prejudice" and shall not, without the consent of both parties, be used in any existing or subsequent proceedings between the parties.

DATED at Toronto this       day of       , A.D., 197 .

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
HUSBAND

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WIFE



SURNAME: \_\_\_\_\_

WIFE: \_\_\_\_\_

HUSBAND: \_\_\_\_\_

CONCILIATION FILE NO: \_\_\_\_\_

COURT FILE NO. \_\_\_\_\_

REFERRAL SOURCE \_\_\_\_\_

COUNSELLOR \_\_\_\_\_

DATE OPENED: \_\_\_\_\_

DATE ADJOURNED: \_\_\_\_\_

DATE CLOSED: \_\_\_\_\_

DATE OF MARRIAGE: \_\_\_\_\_

DATE OF SEPARATION: \_\_\_\_\_

DATE OF FIRST CONTACT WITH COURT: \_\_\_\_\_

NUMBER OF TIMES IN COURT: \_\_\_\_\_

1 month - 2 years

3 - 4 years

5 - 6 years

7 - 10 years

11 - 13 years

14 - 17 years

18 years & over

15 - 19 years

20 - 24 years

25 - 29 years

30 - 34 years

35 - 39 years

40 - 44 years

45 - 49 years

50 - 54 years

55 - 59 years

60 & Over

Recon-ciliation	Threatening & Assault	Quantum	Custody & Access	Assault Recon.	Assault Quantum	Assault Access Custody	Assault Access Cust.&Quant.	Quantum Access Custody	No Reason Given	Other
-----------------	-----------------------	---------	------------------	----------------	-----------------	------------------------	-----------------------------	------------------------	-----------------	-------

Wife	Husband	Husband & Wife	Husband & Child	Wife & Child	Husband & Other	Wife & Other	Husband Wife & Child	Other	Total Interviews
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

SUMMARY OF TOTAL ISSUES

CONCILIATION REPORT

DISPOSITION



COURT REFERRAL FORM 1.8.4

This form is used for referrals from the Family Court. It accompanies the client court file to the conciliation service at the time of referral.







Province of Ontario, Ministry of the Attorney General  
Provincial Court (Family Division)  
CONCILIATION PROJECT

**REFERRAL TO CONCILIATION SERVICES**

COURT FILE NO. \_\_\_\_\_

Name of Clients

HUSBAND \_\_\_\_\_  
Last Name First NameWIFE \_\_\_\_\_  
Last Name First Name

- ☐ Both parties have agreed to use Conciliation Services
- ☐ The parties are in dispute in regard to access
- ☐ The parties are in dispute in regard to custody
- ☐ The parties are in dispute in regard to quantum but it is related to other issues and the issues are \_\_\_\_\_
- ☐ There is an assault and/or threatening charge which appears amenable to Conciliation Counselling
- ☐ Both parties appear to be interested in exploring the possibility of reconciliation.

General Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Adjournment Date:** This case is adjourned to: DATE \_\_\_\_\_ TIME \_\_\_\_\_TO: \_\_\_\_\_  
Judge

Date of Referral \_\_\_\_\_

Signature of Referring Judge \_\_\_\_\_

*THE COURT FILE IS TO ACCOMPANY THIS REFERRAL*





#### LAWYER REFERRAL FORM 1.8.5

This form is used when referrals are made through lawyers. It is expected that it will be replaced by the general Conciliation Intake Form. The Form of Acknowledge on this form is redundant and the information categories are not as extensive as those of the Intake Form. Moreover it was found that lawyer referrals are most efficiently made by phone and required information most appropriately taken down on the Intake Form.





REFERRAL TO CONCILIATION SERVICES

ACTION NO: \_\_\_\_\_

APPLICANT

RESPONDENT

_____	_____
Last Name	First Name
_____	_____
Telephone (Work)	Telephone (Home)
_____	_____
_____	_____
Lawyer's Name	
_____	
_____	
Lawyer's Telephone	

_____	_____
Last Name	First Name
_____	_____
Telephone (Work)	Telephone (Home)
_____	_____
_____	_____
Lawyer's Name	
_____	
_____	
Lawyer's Telephone	

Both parties have agreed to use Conciliation Services ☐

The parties are in dispute in regard to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADJOURNMENT DATE:

This case is adjourned until: Date:\_\_\_\_\_ Time: \_\_\_\_\_

Date of referral: \_\_\_\_\_

Signature of Family Law Trial Co-ordinator: \_\_\_\_\_

FORM OF ACKNOWLEDGMENT

- 1. The Applicant and the Respondent acknowledge that there is an existing dispute between them and agree that they are using the conciliation services of the Family Court voluntarily with the intention of making every reasonable effort to resolve the issues in dispute.
- 2. The Applicant and the Respondent agree that any communication whether written or verbal hereafter made relating to such conciliation services by either of them to each other or to the Conciliation Counsellor, shall be "Without Prejudice" and shall not, without the consent of both parties, be used in any existing or subsequent proceedings between the parties.

DATED at Toronto this \_\_\_\_\_ day of \_\_\_\_\_, 197 .

\_\_\_\_\_  
Witness  
  
\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant  
  
\_\_\_\_\_  
Respondent



#### CASE COURT RECORD 1.8.6

This form is placed in the client's court file and is intended to document the amount of time each client family spends in court during the course of the Conciliation Project. The aim is to see whether or not clients seen by conciliation counsellors spend less time in court than other clients.





CONCILIATION PROJECT — CASE COURT RECORD

NAME: \_\_\_\_\_ CASE NO. \_\_\_\_\_

Date	Present	Charge	Disposition	Time
<div>COMPLAINANT</div> <div>Husband <input type="checkbox"/></div> <div>Wife <input type="checkbox"/></div> <div>1</div>	Wife <input type="checkbox"/>			Started: _____
	Wife's lawyer <input type="checkbox"/>			Finished: _____
	Legal Aid <input type="checkbox"/>			S. _____
	Husband <input type="checkbox"/>			F. _____
	Husband's lawyer <input type="checkbox"/>			S. _____
	Legal Aid <input type="checkbox"/>			F. _____
	Witnesses:			
	H _____ W _____			
	Other _____			

Date	Present	Charge	Disposition	Time
<div>COMPLAINANT</div> <div>Husband <input type="checkbox"/></div> <div>Wife <input type="checkbox"/></div> <div>2</div>	Wife <input type="checkbox"/>			Started: _____
	Wife's lawyer <input type="checkbox"/>			Finished: _____
	Legal Aid <input type="checkbox"/>			S. _____
	Husband <input type="checkbox"/>			F. _____
	Husband's lawyer <input type="checkbox"/>			S. _____
	Legal Aid <input type="checkbox"/>			F. _____
	Witnesses:			
	H _____ W _____			
	Other _____			

Date	Present	Charge	Disposition	Time
<div>COMPLAINANT</div> <div>Husband <input type="checkbox"/></div> <div>Wife <input type="checkbox"/></div> <div>3</div>	Wife <input type="checkbox"/>			Started: _____
	Wife's lawyer <input type="checkbox"/>			Finished: _____
	Legal Aid <input type="checkbox"/>			S. _____
	Husband <input type="checkbox"/>			F. _____
	Husband's lawyer <input type="checkbox"/>			S. _____
	Legal Aid <input type="checkbox"/>			F. _____
	Witnesses:			
	H _____ W _____			
	Other _____			

Date	Present	Charge	Disposition	Time
<div>COMPLAINANT</div> <div>Husband <input type="checkbox"/></div> <div>Wife <input type="checkbox"/></div> <div>4</div>	Wife <input type="checkbox"/>			Started: _____
	Wife's lawyer <input type="checkbox"/>			Finished: _____
	Legal Aid <input type="checkbox"/>			S. _____
	Husband <input type="checkbox"/>			F. _____
	Husband's lawyer <input type="checkbox"/>			S. _____
	Legal Aid <input type="checkbox"/>			F. _____
	Witnesses:			
	H _____ W _____			
	Other _____			





RELEASE OF INFORMATION FORMS 1.8.7

Clients are asked to sign this  
form in situations where  
information is being requested  
by a conciliation counsellor  
from another source.





Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

I AUTHORIZE THE CONCILIATION PROJECT, PROVINCIAL COURT  
(FAMILY DIVISION) TO OBTAIN/RELEASE INFORMATION FROM  
MY RECORDS AT \_\_\_\_\_

NAME: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

WITNESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

\_\_\_\_\_



Provincial Court  
(Family Division)  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

I AUTHORIZE THE CONCILIATION PROJECT, PROVINCIAL COURT (FAMILY  
DIVISION) TO OBTAIN/RELEASE INFORMATION FROM MY RECORDS  
AT: \_\_\_\_\_

NAME: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_



CONSENT FOR AUDIOTAPING 1.8.8

The approval of both clients  
is required before interviews  
can be audiotaped. Audiotaping  
is used exclusively for training  
purposes.





Provincial Court  
(Family Division) ·  
Conciliation Project

Ministry of the  
Attorney  
General

Judicial District  
of York

416/923-7781

311 Jarvis Street  
Toronto Ontario  
M5B 2C4

### CONSENT FORM FOR AUDIOTAPING

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
Husband

NAME: \_\_\_\_\_  
Wife

We hereby consent to the audiotaping of our conciliation interviews. It is our understanding that these audiotapes will be used only for the training purposes of the Conciliation Project of the Provincial Court (Family Division). We also understand that these audiotapes will be erased within ten days of the interview to which they relate.

We agree that any communication so recorded shall be "Without Prejudice" and shall not, without the consent of both of us, be used in any existing or subsequent proceedings between us.

We understand that we may refuse to consent to the audiotaping of our interviews. We understand that we may at any time withdraw our permission to tape. We understand that our non-participation or our withdrawal of permission will not affect our contact with our counsellor.

Signed: \_\_\_\_\_  
Husband

Signed: \_\_\_\_\_  
Wife

Signed: \_\_\_\_\_  
Counsellor





#### TIME AND MONEY RECAP 1.8.9

All conciliation counsellors docket their time. There are individual chits which are filed according to client or category and a summary sheet. This process allows for a total time and cost analysis of each case and a functional analysis of total conciliation counsellor time.







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9. RESEARCH SCHEDULES - STUDY I

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Province of Ontario, Ministry of the Attorney General  
Provincial Court (Family Division)  
CONCILIATION PROJECT

311 Jarvis Street  
Toronto, Ontario M5B 2C4  
(416) 923-7781

**INTERVIEW SCHEDULE**  
**FAMILY COURT CONCILIATION PROJECT**

**Respondent's Name** \_\_\_\_\_

**Code Number** \_\_\_\_\_

**Date of Interview** \_\_\_\_\_

**Interviewer's Name** \_\_\_\_\_

**Respondent's Phone No.** \_\_\_\_\_

1. Sex of Client (circle number)

Male 1

Female 2

2. How old were **you** on your last birthday? \_\_\_\_\_ years

3. How old was your **spouse** on his(her) last birthday? If unknown get best estimate. \_\_\_\_\_ years

4. a) What is your **present marital status**?

Married 1

Divorced 2

Separated — with legal agreement 3

Separated — no legal agreement 4

Widowed 5

Never married 6

No response 9

b) For how long have you been in your **present** marital status? (i.e. how long have you been married, separated, divorced, etc.?)

\_\_\_\_\_ years \_\_\_\_\_ months

5. How many times have you been married?

(0 = N/A, 9 = no response) \_\_\_\_\_

6. a) How many times have you been separated from your **present** spouse (at least overnight) due to marital conflict? (99 = no response) \_\_\_\_\_ times

b) How many years ago did your serious marital problems begin with your present spouse?

\_\_\_\_\_ years, \_\_\_\_\_ months

7. a) Who do you presently live with and what is their sex, approximate age and relationship to you? (If applicable, probe to see if client is living common-law)

**Relationship** **Sex** **Age**

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

b) For how long have you had these general living arrangements?

\_\_\_\_\_ years \_\_\_\_\_ months

8. How many children have you had (including those from previous unions)? \_\_\_\_\_ children

9. Of all your children, how many of them are:

(Total should equal number given in Question 8)

Living with you \_\_\_\_\_

With other parent \_\_\_\_\_

With C.A.S. \_\_\_\_\_

With other relatives \_\_\_\_\_

Living elsewhere (specify) \_\_\_\_\_

\_\_\_\_\_



10. What is the highest grade of school you attended?

- |  |   |
|--|---|
| Never attended                                       | 1 |
| 1-4 years elementary                                 | 2 |
| 5-8 years elementary                                 | 3 |
| 1-4 years vocational or<br>secondary diploma         | 4 |
| 5(4) year secondary diploma                          | 5 |
| Professional, technical training<br>beyond secondary | 6 |
| Some university but no degree                        | 7 |
| University degree or beyond                          | 8 |
| No response/refusal                                  | 9 |

11. Are you still a student?

- |                |   |
|----------------|---|
| Yes, full time | 1 |
| Yes, part time | 2 |
| No             | 3 |
| No response    | 9 |

12. Are you working now?

- |                |   |
|----------------|---|
| Yes, full time | 1 |
| Yes, part time | 2 |
| No             | 3 |
| No response    | 9 |

13. If **NO**, is this because you are:

- |                        |   |
|------------------------|---|
| Retired                | 1 |
| A student              | 2 |
| Disabled               | 3 |
| Unemployed at present  | 4 |
| On a seasonal layoff   | 5 |
| Looking after children | 6 |
| Other (please specify) | 7 |

Refusal	9
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14. What is your present or most recent **main** occupation?

Please give job title and the kind of place where you work(ed); for example, "office manager for an insurance firm" or "auto mechanic for a small service station".

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15. a) What was **your net income** during the past year? Include income from all sources including alimony and maintenance.

- |                             |   |
|-----------------------------|---|
| Less than 4,000             | 1 |
| 4,000 to 7,999              | 2 |
| 8,000 to 11,999             | 3 |
| 12,000 to 15,999            | 4 |
| 16,000 to 19,999            | 5 |
| 20,000 to 23,999            | 6 |
| More than 24,000            | 7 |
| No response/unknown/refusal | 9 |

b) How much of your **average monthly income** comes from the following sources? (IF AMOUNTS VARY, OBTAIN THE AMOUNT RECEIVED LAST MONTH.) This information is for tabulation purposes only and will be kept confidential.

Source	(monthly) Amount
--------	------------------

- |                              |       |
|------------------------------|-------|
| a) Alimony payments          | _____ |
| b) Maintenance               | _____ |
| c) Children's Allowance      | _____ |
| d) Unemployment Insurance    | _____ |
| e) Welfare Assistance        | _____ |
| f) All Pension Plans         | _____ |
| g) Rental Income             | _____ |
| h) Part & Full-time Earnings | _____ |
| i) All other sources         | _____ |

Refused to answer this question (check) ☐

16. a) Where were you born?

- |                           |    |
|---------------------------|----|
| Canada                    | 01 |
| United States             | 02 |
| Britain                   | 03 |
| Italy                     | 04 |
| Greece                    | 05 |
| India                     | 06 |
| West Indies               | 07 |
| Elsewhere (specify) _____ |    |
| No response               | 99 |

b) How many years have you lived in Canada? \_\_\_\_years  
(99 = no response)

17. To what ethnic or cultural group did your father's family belong?

- |             |    |
|-------------|----|
| East Indian | 01 |
| English     | 02 |
| French      | 03 |
| Greek       | 04 |
| Irish       | 05 |
| Italian     | 06 |
| Jewish      | 07 |

- [illegible]

I am going to read out a list of possible problems you may have faced recently and I would like you to rate them in terms of their seriousness for you. (Circle response for each problem).

28. To whom have you turned for help for the problem(s) that brought you to the court today?

- NOTE: READ LIST TO CLIENT.

	A	B	C
Family or friends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clergyman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Doctor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychiatrist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Social Agency (specify)

Please explain (C)\_\_\_\_\_

29. Have you ever had any previous contact with the family court or any other court regarding a domestic (family) problem?

Yes	1
No	2
No response	9

30. If YES, ask the client when, which court, and what happened. (Probe as to whether or not a court order was made.)

When	Where	What happened

**NOTE: Section 29 to 31 for separated clients only.**

Now I would like to ask you some questions regarding the legal aspects of your marriage.

31. Have you drawn up and signed a legal separation agreement?

Yes	1
No	2
No, but intend to	3

32. (IF YES) How satisfied are you with the following aspects of your legal separation agreement? (Circle the appropriate number next to each aspect.)

HAND CLIENT RESPONSE CARD NO. 2.

								N
								R /A
a) Alimony and maintenance	1	2	3	4	5	9	0	
b) Custody agreement	1	2	3	4	5	9	0	
c) Access	1	2	3	4	5	9	0	
d) Division of property	1	2	3	4	5	9	0	

33. Would you like to get back together with your spouse?

Not applicable	0
Yes	1
No	2
No response/refusal	9

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

34. **For all clients.** We are interested in your concerns or worries about being separated. Please rate the following problems in terms of the degree of concern for you.

HAND CLIENT RESPONSE CARD NO. 3.

								N
								R /A
a) Might not get back together with spouse	1	2	3	4	5	9	0	
b) Loneliness	1	2	3	4	5	9	0	
c) Absence of children	1	2	3	4	5	9	0	
d) Being bothered by spouse	1	2	3	4	5	9	0	
e) Loss of contact with friends or family	1	2	3	4	5	9	0	
f) Other concerns: Please explain.								

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

35. How do you feel that your children have been affected by the breakdown in your marriage?

They have suffered a great deal	1
They have suffered a little	2
I have not noticed any effect	3
They are better off than before	4
No children	5
No response/Refusal	9

36. **If client is divorced.** How satisfied are you with the terms of the decree as it relates to the following aspects? (Circle the appropriate number next to each aspect.)

HAND CLIENT RESPONSE CARD NO. 2.

a) Alimony and maintenance	1	2	3	4	5	9	0
b) Custody agreement	1	2	3	4	5	9	0
c) Access	1	2	3	4	5	9	0
d) Division of property	1	2	3	4	5	9	0

37. Do you have legal custody of your children?

Not applicable	0
Yes, all of the children	1
Yes, some of the children	2
No	3
No response	9

38. Do you have a court order for support payments?

Not applicable	0
Yes	1
No	2
No response	9

39. a) Finally, have you retained a lawyer regarding your present situation; what is his name and address?

Yes	1
No	2
No response	3

- b) If YES, when did you first see him about the problem that brought you to court today?

\_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days ago

Your lawyer's name and address:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Spouse's lawyer's name and address:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_



# INTERVIEW RECORD

Please complete for each interview

Client's Name \_\_\_\_\_  
Code Number \_\_\_\_\_  
Date of Interview \_\_\_\_\_  
Interview Number \_\_\_\_\_  
Worker's Name \_\_\_\_\_

1. Time

Morning	1
Afternoon	2
Evening (after 5 p.m.)	3

2. Participants in interview

Name	Relationship
(e.g. husband, wife, employer, etc.)	

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

3. **Purpose for Interview.** (We would like to know the particular objectives **you** had for this interview. Please be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Were your objectives in item No. 3 accomplished?

Things are much better	1
Things are better	2
Things are no different	3
Things are worse	4
Things are much worse	5

5. Approximate length of interview: \_\_\_\_\_ minutes.

6. Was the client referred by you elsewhere?

Yes	1
No	2

7. If YES, where? (Check all that apply.).

Clergyman	<input type="checkbox"/>
Family doctor	<input type="checkbox"/>
Psychiatrist	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Legal Aid	<input type="checkbox"/>
Police	<input type="checkbox"/>
Family counselor	<input type="checkbox"/>
Marriage counselor	<input type="checkbox"/>
Court (specify _____)	<input type="checkbox"/>
Social agency (specify _____)	<input type="checkbox"/>
N/A	<input type="checkbox"/>

8. How was referral made? (Check all that apply.)

Mail	<input type="checkbox"/>
Phone	<input type="checkbox"/>
Verbally, to client	<input type="checkbox"/>
Other: Specify _____	<input type="checkbox"/>

9. Did the client come to the Family Court today, specifically with the intention to lay a charge? (Against the spouse)

Yes	1
No	2

10. If YES, what were the reasons? (Check appropriate ones.)

a) Lawyer's recommendation	<input type="checkbox"/>
b) Police recommendation	<input type="checkbox"/>
c) Friend's or relative's recommendation	<input type="checkbox"/>
d) Advice from social worker	<input type="checkbox"/>
e) Advice from physician	<input type="checkbox"/>
f) Protection	<input type="checkbox"/>
g) Retaliation	<input type="checkbox"/>
h) To control spouse	<input type="checkbox"/>
i) Other (specify: _____)	<input type="checkbox"/>

11. Was a charge laid?

Yes	1
No	2
Don't know	3

12. What kind of a charge? \_\_\_\_\_

13. If the client decided **not** to lay a charge, why is this? (What do you think influenced the client's decision?)

☐ N/A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. If the client decided **to** lay a charge, please explain circumstances. (What do you think influenced the client's decision?) ☐ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TERMINATION RECORD\*

Please complete after termination.

Client's Name \_\_\_\_\_  
Code Number \_\_\_\_\_  
Worker's Name \_\_\_\_\_  
Date of Termination with Client \_\_\_\_\_  
Date Questionnaire Completed \_\_\_\_\_

1. Was any conciliation (including reconciliation) agreement made as a result of the interviews?

Yes 1  
No 2

2. If YES, was it written 1  
or verbal 2

3. What were the terms of the agreement? ☐ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Who received copies of the agreement?

Client ☐  
Judge ☐  
Husband's lawyer ☐  
Wife's lawyer ☐  
Others (specify: \_\_\_\_\_) ☐

5. Did you make contact with the **husband's lawyer**?

Yes 1  
No 2  
N/A 0

6. If YES, what was the purpose of this contact? ☐ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Did you make contact with the **wife's lawyer**?

Yes 1  
No 2  
N/A 0

8. If YES, what was the purpose of this contact? ☐ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Did you make contact with the judge in this case?

Yes 1  
No 2  
N/A 0

10. What was the purpose for this contact? ☐ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. If you had an interview with the client's spouse, by what means were you able to engage the spouse in the conciliation process? (e.g. telephoned spouse directly, asked client to bring spouse, spouse contacted you, etc.) ☐ N/A

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. If you were unable to have an interview with the client's spouse, why was this? (e.g. not appropriate, spouse refused, client did not want spouse involved, etc.) ☐ N/A

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Did you have an interview with the client's children?
- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |
| N/A | 0 |

14. If YES, by what means did you arrange for this interview? ☐ N/A

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15. If NO, please explain. ☐ N/A

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16. Was the decision to terminate, the
- |                                 |   |
|---------------------------------|---|
| Client's decision alone         | 1 |
| Client and Counselor's decision | 2 |
| Counselor's decision alone      | 3 |
| Other (specify: _____)          | 4 |

17. What were the circumstances surrounding the termination of the case? \_\_\_\_\_

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18. If clients were separated (legally or otherwise) prior to coming to the court service, was a reconciliation affected (spouses got back together)?

- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |
| N/A | 0 |

Please explain. \_\_\_\_\_

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19. Was there anything about the service or its program or policies that made problems for your client, such as having to wait, distance to agency, appointment hours, having to change to a new counselor, etc.?

- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |

20. a) If YES, what were these problems? ☐ N/A

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---

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- b) Was client aware of the problem?

- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |
| N/A | 0 |

**People who have been to the court service sometimes find that, regardless of what they came about, there are changes in how the client and the spouse get along together. Would you say that since your client started at the agency there has been any change for the better or for the worse. (Circle.)**

- (1) Much better  
(2) Better  
(3) Same  
(4) Worse  
(5) Much worse  
(9) Refusal  
(0) Not applicable

21. Talk over problems, listen to each other, share feelings  
1 2 3 4 5 9 0

22. Handle arguments and work out differences  
1 2 3 4 5 9 0

23. Accept and help each other, pay attention to each other's needs  
1 2 3 4 5 9 0

24. Feel toward each other (how close and comfortable, how they enjoy each other)  
1 2 3 4 5 9 0

25. How husband and wife get along sexually  
1 2 3 4 5 9 0

26. Relationship between client and children  
1 2 3 4 5 9 0

**When people work on their problems at a counseling service, they sometimes find that there is a change in how they feel about those problems and the way they handle them. Would you say that you have noticed in your client(s) any change for better or worse in — (Circle)**

- (1) Much better
- (2) Better
- (3) Same
- (4) Worse
- (5) Much worse
- (9) Refusal
- (0) Not applicable

27. The way client **feels about his/her problems**, (how worried, overwhelmed, angry, confused, guilty, etc.)

1 2 3 4 5 9 0

28 The way client **understands his/her problems** (what they are and who or what contributes to them)

1 2 3 4 5 9 0

29. The kinds of **ideas the client has on what to do** about his/her problems (what should or should not be tried)

1 2 3 4 5 9 0

30. The way client **works with others in handling problems** (talking things over instead of fighting or avoiding, etc.)

1 2 3 4 5 9 0

**Since coming to the court service, has client actually —**

31. Made any **decisions** on what to do about problems?

- Yes 1
- No 2

32. Taken any specific **action** on problems?

- Yes 1
- No 2

If YES, please describe action taken \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

33. If client has taken some action, did this turn out to —

- Make things much better 1
- Make things better 2
- Make no difference 3
- Make things worse 4
- Make things much worse 5
- Can't tell yet 6

34. Considering all members of client's family and all problems you discussed with him/her, how would you say things are now compared with when he/she first came to the services?

- Much better 1
- Somewhat better 2
- Unchanged 3
- Somewhat worse 4
- Much worse 5
- Can't tell yet 6

Please explain. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

35. If you feel there have been any changes, for better or worse, in any members of client's family or in any problem situations since he/she first came to the service, what do you think was the **main reason** for the changes? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

36. How do you feel the service provided by the court influenced the changes you have seen in the client?

- Made things much better 1
- Made things better 2
- Made no difference 3
- Made things worse 4
- Made things much worse 5

Please explain. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



37. Did anything not related to the court service influence the changes in client? (Check below all that had an influence.)

Other services or aid, such as from doctor, lawyer, welfare ☐ Don't know ☐

Please explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Changes in your client's life situation, such as health, job promotion, birth of baby, loss of income ☐

Don't know ☐

Please explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Influence of an important person **not** involved in agency service, such as a friend, relative. ☐

Other ☐ Don't know ☐

Please explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

38. What was the **most important problem** that brought your client to the service? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39. What did **YOU most want to accomplish regarding this problem?** (Please be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. Was this accomplished?

Things are much better	1
Things are better	2
No difference	3
Things are worse	4
Things are much worse	5



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CONCILIATION PROJECT



b) If YES, what was it? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Why did you stop going to the service? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. a) Would you consider going back to the court service again if you needed help in the future?

Yes 1

No 2

b) Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Have you tried to get help elsewhere for the problems that brought you to the Family Court Service?

Yes 1

No 2

10. To whom have you turned for help for the problem(s) that brought you to the court?

A. Check **all** persons turned to.

B. Check the **first** person turned to. (✓ only 1)

C. Check the **most helpful** for you. (✓ only 1)

NOTE: READ LIST TO CLIENT.

	A	B	C
Family or friends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clergyman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Doctor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychiatrist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Counsellor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Social Agency (specify) ☐ ☐ ☐

Please explain (C) \_\_\_\_\_  
\_\_\_\_\_

11. What is the **most important problem** that brought you to the family court? (Probe, ask the client to be specific.)

12. What did you **most want to accomplish regarding this problem?** (Please be as specific as possible.)

13. Was this accomplished? That is, are things: R N/A  
1 2 3 4 5 9 0

HAND CLIENT RESPONSE CARD C.

**People who have been to the court service sometimes find that, regardless of what they came about, there are changes in how they and their spouses get along together. Would you say that since you started at the agency there has been any change for the better or for the worse in the following areas.**

HAND THE CLIENT RESPONSE CARD C.

In the way you:

14. Talk over problems, listen to each other, share feelings  
1 2 3 4 5 9 0

15. Handle arguments and work out differences  
1 2 3 4 5 9 0

16. Accept and help each other, pay attention to each other's needs  
1 2 3 4 5 9 0

17. Feel toward each other (how close and comfortable, how you enjoy each other)  
1 2 3 4 5 9 0

18. And your husband/wife get along sexually  
1 2 3 4 5 9 0

19. And your husband/wife get along regarding your children  
1 2 3 4 5 9 0

**When people work on their problems at a counseling service, they sometimes find that there is a change in how they feel about those problems and the way they handle them. If you have discussed any problem with the agency, would you say that you personally have noticed since then any change for the better or worse in —**

(USING RESPONSE CARD C, AGAIN)

20. The way you feel about your problems (e.g., how worried, overwhelmed, angry, confused, guilty, etc.) R N/A  
1 2 3 4 5 9 0
21. The way you **understand your problems** (e.g., what they are and who or what contributes to them)  
1 2 3 4 5 9 0
22. The kinds of **ideas you have on what to do** about your problems (what should or should not be tried)  
1 2 3 4 5 9 0
23. The way you **work with others in handling** problems (talking things over instead of fighting or avoiding each other) R N/A  
1 2 3 4 5 9 0

Also, **Since coming to the agency, have you actually —**

24. Made any **decisions** on what to do about your problems?
- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |

25. Taken any specific **action** on your problems?
- |     |   |
|-----|---|
| Yes | 1 |
| No  | 2 |

26. Please explain the type of decisions and/or action taken. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. If you have taken some action, did this turn out to:  
1 2 3 4 5 9 0

HAND CLIENT RESPONSE CARD A.

28. Considering all members of your family and all problems you discussed with your counselor, how would you say things are now compared with when you first went to the Family Court?
- 1 2 3 4 5 9 0

HAND CLIENT RESPONSE CARD C.

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29. If you feel there have been any changes in any members of your family or in any problem situation since you first went to the Family Court, what do you think was the **main reason** for the changes you reported?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

30. How do you feel the **service provided by the Family Court** influenced the changes you have reported? HAND CLIENT RESPONSE CARD A.

Did it R N/A  
Please explain: 1 2 3 4 5 9 0

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

31. Did anything not related to the Family Court service influence the changes you reported? For example: (✓ all that apply)

a) **Other services** or aid, such as from your family doctor, lawyer, welfare, school ☐

Please specify \_\_\_\_\_

b) **Changes in your life** situation, such as health, job promotion, birth of baby, loss of income, divorce ☐  
Please specify \_\_\_\_\_

c) **Influence** of an important person not involved in agency service, such as a friend, relative, etc. ☐  
Please specify \_\_\_\_\_

d) Other. Please specify \_\_\_\_\_ ☐

e) No such influence ☐

32. Did the factor(s) checked above make things better or worse?

Better	1
Worse	2
No difference	3

33. Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



34. Do you have any additional comments about your experience with the Family Court Service? \_\_\_\_\_

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**Now I would like you to answer a questionnaire about your experience with the Family Court Service.**

(Hand client COURT SERVICE SATISFACTION QUESTIONNAIRE)

Please read the following instructions to the client:

This questionnaire is designed to measure the kind of experience you had in discussing your concerns about your problems with \_\_\_\_\_, the counselor you have been seeing at the Family Court.

It is not a test, so there are no right or wrong answers.

Answer each item as carefully and as accurately as you can by drawing a circle around the numbered group of words which describes your experience best.

Please begin by answering the FIRST QUESTION, after which you may ask for more explanation if you wish.

**COURT SERVICE SATISFACTION QUESTIONNAIRE**  
**We would like you to begin by thinking back to the first few meetings you had with this social worker. The following questions are about your first meetings.**

35. In our first meetings my worker explained the kinds of concerns we might be discussing. (For example: my child's difficult behavior.)

Explained well	1
Partly explained	2
Didn't explain well	3
Didn't explain	4
No answer	5

36. My worker explained how we would work together, describing the kind of help a social worker could give.

Explained well	1
Partly explained	2
Didn't explain well	3
Didn't explain	4
No answer	5

37. During our first meetings, my worker asked me for my ideas on the specific subjects we would discuss together. (For example: job problems.)

Yes	2
No	3
No answer	5

38. During our first meetings my worker told me he/she really believed I could get help from this agency with my concerns.

Yes	2
No	3
No answer	5

**We would now like you to think about what your meetings were like after the first ones. The following questions refer to these meetings.**

39. When I began to discuss a particular concern (for example: my child's difficulty at school) my worker kept me on the topic.

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

40. When I had trouble talking to someone (for example: teacher, foster parent, husband, doctor, etc.) my worker would meet with them to make it easier for me to speak to them.

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

41. My worker discussed subjects with me which were not at all related to my concerns.

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

42. My worker helped me to understand the behavior of other people (for example: husband, teacher, foster parent, children, etc.) in new ways.

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

43. I could tell from my worker's face that he/she did not like the way I handled the situations we discussed (for example: she frowned when I described how I handled a behavior problem with my child).

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

44. When I raised a general concern my worker asked me for examples. (For example: If I said "Kids were hard to raise," she would say "Did you have a difficult problem with your child this week?")

Often	1
Fairly often	2
Seldom	3
Never	4
No answer	5

**The way you get along with your social worker can be very important.** (For example: if you're angry at your worker, you may not discuss important issues.)

45. How often did you and your worker talk about how the two of you get along together?

Very often	1
Often	2
Not very often	3
Rarely	4
Never	5

46. Was it important to you to talk to your worker about how you get along?

Very important	1
Important	2
Not very important	3
Not important at all	4

47. How satisfied are you with how you and your worker get along?

Very satisfied	1
Satisfied	2
Not very satisfied	3
Not satisfied at all	4

48. Has the way you have gotten along with your worker changed since you first met?

We get along better	1
It's about the same	2
It's worse	3

49. Please give an example of how things have changed or stayed the same between you and your worker:

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50. **In general**, how helpful has your worker been?

Very helpful	1
Helpful	2
Not very helpful	3
Not helpful	4

**Having MONEY DIFFICULTIES can be a very important concern. If you and your worker have talked about your money situation, please answer the questions below. If you haven't talked about your money situation, then check this box ☐, and turn to question 57.**

51. How often did you talk to your worker about your money situation?

Very often	1
Often	2
Not very often	3
Rarely	4

52. Was talking about your money situation very important to you?

Very important	1
Important	2
Not very important	3
Not important at all	4

53. How satisfied are you with your money situation?

Very satisfied	1
Satisfied	2
Not very satisfied	3
Not satisfied at all	4

54. Since you've been talking to your worker about your money situation, has there been any change?

It's better	1
It's about the same	2
It's worse	3

55. Please give an example of how things have changed or stayed the same with your money situation:

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56. How helpful has your worker been to you with your money situation?

Very helpful	1
Helpful	2
Not very helpful	3
Not helpful	4

**Sometimes people run into some TROUBLE WITH THE LAW. If you and your worker have talked about this, please answer the questions below. If this is not true for you, or if you haven't talked about your legal troubles, then check this box ☐.**

BE SURE TO CIRCLE A NUMBER FOR EACH QUESTION.

57. How often did you talk to your worker about your legal troubles?

Very often	1
Often	2
Not very often	3
Rarely	4

58. Was talking about your legal troubles very important to you?

Very important	1
Important	2
Not very important	3
Not important at all	4

59. How satisfied are you with your legal situation as it now stands?

Very satisfied	1
Satisfied	2
Not very satisfied	3
Not satisfied at all	4

60. Since you've been talking to your worker about your legal troubles, has there been any change in your understanding?

It's better	1
It's about the same	2
It's worse	3

61. Please give an example of how your legal troubles have changed or stayed the same: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

62. How helpful has your worker been to you with your legal troubles?

Very helpful	1
Helpful	2
Not very helpful	3
Not helpful	4

63. a) If you were separated (legally or otherwise) prior to coming to the court service, was a reconciliation achieved?

Yes	1
No	2
Doesn't apply	3

b) Please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### END OF FIRST SECTION

64. At this point, I would like you to complete two short questionnaires.

HAND THE CLIENT THE FOLLOWING **Life Satisfaction Questionnaire** AND READ THESE INSTRUCTIONS.

*Here are some words and phrases which we would like you to use to describe how you feel about your present life. For example, if you think your present life is very "boring" put an X in the box right next to "boring". If you think it is very "interesting" put an X in the box right next to the word "interesting". If you think it is somewhere in between, put an X where you think it belongs. Put an X in one box on every line.*

(INTERVIEWER: GO THROUGH THE SECOND EXAMPLE IF NECESSARY. AFTER CLIENT FINISHES, CHECK TO MAKE SURE THAT HE HAS PLACED AN X IN ONE BOX ON EACH LINE.)

Boring	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Interesting
Enjoyable	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Miserable
Easy	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Hard
Useless	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Worthwhile
Friendly	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Lonely
Full	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Empty
Discouraging	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Hopeful
Tied Down	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Free
Disappointing	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Rewarding
Brings out the best in me	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Doesn't give me much chance



65. HAND THE CLIENT THE **Marital Satisfaction Questionnaire** AND READ THESE INSTRUCTIONS.

*This questionnaire is designed to measure the degree of satisfaction you have with your present marriage. It is not a test, so that there are no right or wrong answers. Answer each item as carefully and as accurately as you can by placing a number beside each one as follows:*

1. None of the time
2. A little of the time
3. Sometime
4. Good part of the time
5. Most or all of the time

Please begin:

1. I feel that my spouse is affectionate enough ☐
2. I feel that my spouse treats me badly ☐
3. I feel that my spouse really cares for me ☐
4. I feel that I would not marry the same person if I had it to do over ☐
5. I feel that I can trust my spouse ☐
6. I feel that our marriage is breaking up ☐
7. I feel that my spouse doesn't understand me ☐
8. I feel that our marriage is a good one ☐
9. I feel that ours is a very happy marriage ☐
10. I feel that our life together is dull ☐
11. I feel that we have a lot of fun together ☐
12. I feel that my spouse doesn't confide in me ☐
13. I feel that ours is a very close relationship ☐
14. I feel that I cannot rely on my spouse ☐
15. I feel that we do not have enough interests in common ☐
16. I feel that we manage arguments and disagreements very well ☐
17. I feel that we do a good job of managing our finances ☐
18. I feel that I should never have married my spouse ☐
19. I feel that my spouse and I get along very well together ☐
20. I feel that our marriage is very stable ☐
21. I feel that my spouse is pleased with me as a sex partner ☐
23. I feel that the future looks bright for our marriage ☐
24. I feel that our marriage is empty ☐
25. I feel there is no excitement in our marriage ☐

**Now I would like to ask you some questions about your coming to the family court.**

66. HAND CLIENT RESPONSE CARD NO. 1.

I am going to read out a list of possible problems you may have faced recently and I would like you to rate them in terms of their seriousness for you. (Circle response for each problem).

	1	2	3	4	5	R	N/A
a) Spouse's drinking						9	0
b) Arguments with spouse regarding child rearing						9	0
c) Getting financial support from spouse						9	0
d) Money management						9	0
e) Custody dispute						9	0
f) Physical abuse from spouse						9	0
g) Verbal abuse from spouse						9	0
h) Sexual relationship with spouse						9	0
i) Problems with children						9	0
j) Loneliness						9	0
k) Your drinking						9	0
l) Spouse tries to get children to take his/her side						9	0
m) Problems with relatives						9	0
n) Inadequate housing						9	0
o) Shortage of income to cover expenses						9	0
p) Sleepless nights						9	0

**Now I would like to ask you some questions regarding the legal aspects of your marriage.**

67. Have you drawn up and signed a legal separation agreement?
- |                   |   |
|-------------------|---|
| Yes               | 1 |
| No                | 2 |
| No, but intend to | 3 |
| N/A               | 0 |
68. (IF YES) How satisfied are you with the following aspects of your legal separation agreement? (Circle the appropriate number next to each aspect.)



# HAND CLIENT RESPONSE CARD NO. 2.

						R	N/A
a) Alimony and maintenance	1	2	3	4	5	9	0
b) Custody agreement	1	2	3	4	5	9	0
c) Access	1	2	3	4	5	9	0
d) Division of property	1	2	3	4	5	9	0

69. Would you like to get back together with your spouse?

Not applicable	0
Yes	1
No	2
No response/refusal	9

Please explain: \_\_\_\_\_

70. **For all clients.** We are interested in your concerns or worries about being separated. Please rate the following problems in terms of the degree of concern for you.

## HAND CLIENT RESPONSE CARD NO. 3.

						R	N/A
a) Might not get back together with spouse	1	2	3	4	5	9	0
b) Loneliness	1	2	3	4	5	9	0
c) Absence of children	1	2	3	4	5	9	0
d) Being bothered by spouse	1	2	3	4	5	9	0
e) Loss of contact with friends or family	1	2	3	4	5	9	0
f) Other concerns: Please explain.							

71. How do you feel that your children have been affected by the breakdown in your marriage?

They have suffered a great deal	1
They have suffered a little	2
I have not noticed any effect	3
They are better off than before	4
No children	5
No response/Refusal	9

72. **If client is divorced.** How satisfied are you with the terms of the decree as it relates to the following aspects? (Circle the appropriate number next to each aspect.)

## HAND CLIENT RESPONSE CARD NO. 2.

						R	N/A
a) Alimony and maintenance	1	2	3	4	5	9	0
b) Custody agreement	1	2	3	4	5	9	0
c) Access	1	2	3	4	5	9	0
d) Division of property	1	2	3	4	5	9	0

73. Do you have legal custody of your children?

Not applicable	0
Yes, all of the children	1
Yes, some of the children	2
No	3
No response	9

74. Do you have a court order for support payments?

Not applicable	0
Yes	1
No	2
No response	9

75. a) Finally, have you retained a lawyer regarding your present situation; what is his name and address?

Yes	1
No	2
No response	9

b) If YES, when did you first see him about the problem that brought you to court today?

\_\_\_\_\_years \_\_\_\_\_months \_\_\_\_\_days ago

Your lawyer's name and address:

Name \_\_\_\_\_

Address \_\_\_\_\_

Spouse's lawyer's name and address:

Name \_\_\_\_\_

Address \_\_\_\_\_

76. Who answered this questionnaire?

Husband	<input type="checkbox"/>
Wife	<input type="checkbox"/>
Other (who?) _____	<input type="checkbox"/>

**THANK YOU VERY MUCH FOR YOUR HELP.**

**Your assistance will be very useful along with many others in order that we may continue to improve our services to families and individuals.**

**ALL INFORMATION OBTAINED HERE WILL BE KEPT CONFIDENTIAL.**

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10. BROCHURES FOR DISTRIBUTION TO CLIENTS  
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*Jewish Family & Child Services*

His Honour Judge D.R. Main

*Provincial Court (Family Division)*

The Honourable Mr. Justice Morand

*The Supreme Court of Ontario*

Mrs. Frances Pendrith

*Ministry of Community & Social Services*

Mr. Lloyd W. Perry, Q.C.

*Official Guardian*

Ms. Janet Rowney

*Ministry of Community & Social Services*

Mr. Allan Sherlock

*Catholic Children's Aid Society, Metro Toronto*

Madame Commissioner Speigel

*The Supreme Court of Ontario*

Staff Sgt. William Stanton

*Community Relations Branch, Metro Toronto Police*

Ms. Marlene Swirsky

*Family Court Clinic*

Mrs. Karen Weiler

*Ministry of the Attorney General*

His Honour Judge E.F. Wren

*Judicial District of York, Court House*

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*Director, Conciliation Project, Provincial Court (Family Div.)*

Dr. H. Irving

*Professor, Faculty of Social Work, University of Toronto*

*Research Consultant, Conciliation Project*

Mrs. J. Kelly

*Supervisor, Intake Dept., Provincial Court (Family Division)*

Mr. M. Baker

*Director, Court Services, Provincial Court (Family Division)*

# Conciliation Services

## PROVINCIAL COURT (FAMILY DIVISION)

### CONCILIATION PROJECT STAFF

Mr. T. Michael Quiggin  
*Director*

Ms Elizabeth McGinty  
*Administrative Assistant*

Mrs. Gudrun Hodnett  
*Secretary*

Mr. S. William Davidovitz  
*Conciliation Counsellor*

Mrs. Helen Goudge  
*Conciliation Counsellor*

Mrs. Joan Kelly  
*Conciliation Counsellor*

Mrs. Ann Poulter  
*Conciliation Counsellor*

Ms Patti Tummon  
*Conciliation Counsellor*

### RESEARCH STAFF

Dr. Howard H. Irving  
*Director*

Mr. Peter Bohm  
*Assistant*

311 Jarvis Street  
Toronto, Ontario  
M5B 2C4

(416) 923-7781



*This brochure has been prepared to tell you about the Conciliation Services of the Provincial Court (Family Division) 311 Jarvis Street, Toronto.*

*Over the past year and a half our Board and staff have been working to develop this service.*

*It is our hope that you will consider our conciliation service as being a help to you and your family.*

*You can contact us through the Court, your lawyer, your social worker or by calling us direct at 923-7781.*

*Sincerely,*

*Derek Mendes da Costa*

*Derek Mendes da Costa, Q.C.  
Chairman  
Board of Directors*

## What is Conciliation?

Conciliation is a process by which families are helped to identify and clarify the issues between them and are assisted in making agreement on some or all of those issues; especially, but not limited to, disputes over custody and access to children.

## What kind of questions may I raise during Conciliation?

The following are examples of questions which are raised during Conciliation:

- What happens about custody of the children?
- How often, for how long, where or under what supervision will the parent who does not have custody be allowed to visit?
- What do I do about support payments?
- What happens to family assets and debts?
- I can't afford to pay as much maintenance as presently required of me — what can I do?
- How do I answer my children's questions about separation?
- If there is a possibility of reconciliation and we want to try to deal with the problems which are pushing us apart, what can we do?

## Will the Conciliation counsellor give me legal advice? No.

Conciliation counsellors are not lawyers and do not give legal advice. Counsellors work with clients and their lawyers to minimize the bitterness which can evolve out of the family dispute.

## Can my case be adjourned so I can use the Conciliation service?

At the discretion of the Court, your case may be adjourned for approximately one month while you are seeing a Conciliation counsellor or for a shorter or longer period depending on your situation.

## What is reported to the court?

The parties must agree that all discussions and negotiations will remain confidential. Upon their consent, the Conciliation counsellor will report to the court as to the issues upon which agreement has been reached and those issues upon which agreement could not be reached.

## How much does it cost to use the Conciliation services?

Conciliation services are available at no cost to you.

Conciliation services are provided through the Conciliation Project of the Provincial Court (Family Division), 311 Jarvis Street, Toronto. This project is a demonstration project funded by the Ministry of the Attorney General of the Province of Ontario and the Welfare Grants Directorate of Health and Welfare Canada.

*For further information  
call the Conciliation Project  
923-7781*

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11. BROCHURES FOR DISTRIBUTION TO AGENCIES  
AND LAWYERS

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# Conciliation Services

## PROVINCIAL COURT (FAMILY DIVISION)

311 Jarvis Street  
Toronto, Ontario  
M5B 2C4

(416) 923-7781



## Conciliation Services

*This brochure has been prepared to give you a brief outline of the Conciliation Project of the Provincial Court (Family Division) 311 Jarvis Street, Toronto.*

*Over the past year and a half the Board and staff of the Conciliation Project have been working to develop and evaluate this conciliation service.*

*You will note from our outline that we are now able to receive referrals from lawyers and social agencies as well as the Courts.*

*We seek your co-operation in referring clients to us. For information regarding the referral process please contact our office at 923-7781.*

*Thank you for your on-going interest in our work.*

*Sincerely,*

*Derek Mendes da Costa*

*Derek Mendes da Costa, Q.C.  
Chairman  
Board of Directors*

The Conciliation Project of the Provincial Court, (Family Division), 311 Jarvis Street, Toronto, is a demonstration project funded by the Ministry of the Attorney General for the Province of Ontario and the Welfare Grants Directorate of Health and Welfare Canada.

Conciliation is a process by which parties are helped to identify and clarify the issues between them and are assisted in making agreement on some or all of those issues; especially, but not limited to, disputes over custody and access to children. The parties must agree that all discussions and negotiations will remain confidential. Upon their consent, the Conciliation Counsellor will report to the Court as to the issues upon which agreement has been reached and those issues upon which agreement could not be reached.

At the present time, clients can be referred to the Conciliation Project by the Supreme Court of Ontario, the County Court, the Surrogate Court, the Provincial Court (Family Division), lawyers and social agencies.

Conciliation counsellors are not lawyers and do not give legal advice. Counsellors work with clients and their lawyers to minimize the bitterness which can evolve from the family dispute.

Since November, 1976 about 600 client families have been served by the Conciliation Project staff. The Conciliation service is available at no cost. Cases may, at the discretion of the Court, be adjourned for approximately one month, or for a shorter or longer period depending on the situation, for the purpose of conciliation.

*For further information call the  
Conciliation Project  
923-7781*

## BOARD OF DIRECTORS

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